Mr. Henry Holmes
Coach-Maker

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THE

POLITICAL WORKS

OF

C. LUCAS.

COMPLETE.

Carefully Collected by HENRY HOLMES.
For his own Use, and to Testify his Regard
for that Eminently GREAT MAN.

Who I Take HIM for all, in all we shall not Look upon his
Like again. SHAKESPEAR.

IN SEVEN VOLUMES.

VOL. VII.

DUBLIN Printed, by HENRY HOLMES,
M. DCC. LXXXV.

A SECOND

ADDRESS

TO THE

Right Hon. the LORD MAYOR,
The ALDERMEN, SHERIFFS, COMMONS, CITIZENS, and FREEHOLDERS of the City of *DUBLIN*,

FROM

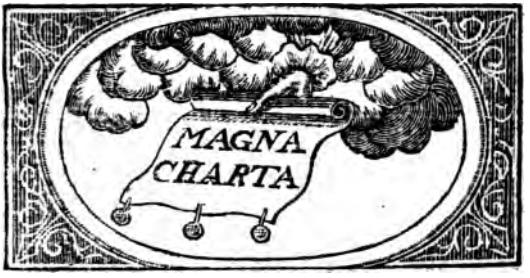
CHARLES LUCAS, M. D.

One of their REPRESENTATIVES in PARLEMENT.

CONTAINING,

An Anſwer to a New ADDRESS

To His LORDSHIP and the CITIZENS.



Manus haec inimica Tyrannis, Lege *petit placidam ſub* Libertate QUIETEM.

DUBLIN:
Printed by ALEX. M'CULLOH, in *Henry-ſtreet*, 1766.

A SECOND

ADDRESS

OF

CHARLES LUCAS, M. D.

My LORD MAYOR, and YOU my very worthy FELLOW CITIZENS and CONSTITUENTS!

IMPELLED by a Sense of my Duty to my King and Country, the sole Motive and Rule of all my Actions, I apprised You of a Matter of a new and extraordinary Nature, depending in Parlement, with a View to receive your Instructions for my Conduct, or to put You in a regular Method of giving just Opposition to the Measure else where, in Case you should be too late for an Application to the House of Commons, and should agree in my Sentiments on that Matter.

This was the full Scope of my Intentions: And, nothing less than so extraordinary an Emergency, and the Shortness of Time, could have induced me to offer my Thoughts to the Public, upon a Subject of such great Importance, in such a crude and disorderly Manner.

But I have the Satisfaction of finding the Humanity and Benevolence of my Constituents such, as to induce them to overlook my manyfold Faults and Errors, and to accept the Intention for the Performance, the Will for the Deed.

I could not in all this, have foreseen, that I should have involved your Lordship, with the Rest of my Constituents and Friends, in the Troubles that have since ensued.

But

So much for annonymous Writers. And however numerous, however malignant the Throng, they ſhall move no Paſſion in me, but Pity and Contempt. I had rather my Conduct, than my Pen, ſhould give hireling Slanderers the Lie; while I look down on the Multitude of ſuch Wretches, that have got Places, Penſions and other Preferments for abuſing and perſecuting me, with the ſame Eye that a Victor viewed the Slaves that were chained to his triumphal Car, or who added to the Crouds that made up his Proceſſion.

Yet, though I have ſomewhat to ſay to your Lordſhip and the Board, as well as to the Sheriffs and Commons, apart, for ſomething ſingularly remarkable, though widely different in the late Tranſactions of both your Houſes; I muſt beg the Indulgence of each, in poſtponing an Addreſs to You on this Head, to offer you ſome Obſervations upon a Pamphlet inſcribed to your Lordſhip and the Citizens, under the Titule of A NEW ADDRESS.

And new, indeed, it is, My Lord: For, though the Author as yet declines the Light, it ſeems rather from native virtuous Modeſty, than from any Degree of that Malignity, which overflows the Works of the late Writers of this Claſs in the City.

This amable Modeſty is further conſpicuous in the Terms in which this learned and well bred Writer declines declaring his Name. "It imports not," ſays he, "to declare who I am. Truth carries in itſelf ſufficient Authority. As I am too inſignificant to give it any Ornament, I will not adventure to do it Diſgrace."

It is with extreme Pain and Diffidence in myſelf, that I differ in any Point, from this moſt modeſt, polite and reſpectable Writer. In this Inſtance however, he will pardon my differing from him: For, I beg leave to ſay, that the Author of ſuch a Work *cannot* be ſo obſcure, as that his Name ſhould *diſgrace*

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the moſt learned Tract. And while his Eloquence gives all *Ornament* to his Subject, it is but reaſonable to preſume, his Name would give Weight and Force to Truth itſelf.

But while this learned Gentleman chooſes, from whatever Motive he will, to concele himſelf, it is improper to attempt any Inquiry into his Name or Station; ſuch Detection is onely for Delinquents. Ever modeſt Virtue declines the Light. Let this Writer's Name and Rank be what it may, his natural unaffected Oratory, benevolent Diſpoſition, the gentleneſs of his Manners, and the goodneſs of his Deſign, in this Addreſs, muſt add Dignity and Luſtre to both.

Yet while I juſtly admire the many Virtues and Graces, that engage the Attention in every Period of this Performance, I muſt lament that I cannot ſubſcribe to all his Poſitions, or his Arguments.

This, I flatter myſelf, ariſes from our not being agreed in Facts and Definitions; for as far as I can yet learn, it would be a Reproach to differ in Judgement, or Sentiments from my honored, though unknown Antagoniſt.

I am proud enough to be elated on the Character and Vindication drawn for me by this diſpaſſionate Pen, p. 3. a Teſtimony which, if ſingle, muſt counterbalance the utmoſt Perverſeneſs and Malevolence of all the Detracters in Maſks united.

At the ſame Time, I cannot be aſhamed of confeſſing the Truth and Mildneſs of his Reproof, (p. 4) when he ſays, *the good Qualities*, he is pleaſed to ſee, *do not blind him to the Quickneſs of Diſpoſition*, in his Antagoniſt, *prone, at Seaſons, to puſh him into Errors or Miſapprehenſions, which nothing but the Goodneſs of his Heart can excuſe.* Eſpecially while he humanely as politely adds this Apology, *perhaps this Propenſity may not ſo properly be titled* a Fault, *as* Virtue in Exceſs.

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The learned Gentleman seems perfectly well acquainted with human Nature. And while he candidly does me the Justice to acquit me of all Suspicions of evil Design or Intention of Deception; he, not unreasonably supposes, that a well-meaning, honest Man may be hurried by his Passions, so far as to deceive himself as well as others. To do the Author Justice, I must recite his own Words;

" I am sensible that he could not intend any Kind " of Deception or Artifice by his said Address. I " cannot suppose, I say, that he coolly took up his " Pen and sat down in his Closet, with the least View " or distant Desire of imposing upon you; I know " him to be incapable of such a Baseness. But there " is often a Species of Art, in the Warmth and " Impetuosity of Nature itself, more powerful, more " seducing than all the studied Figures of an elabo- " rate Piece of Rhetoric; and by such Means, an " Orator, when kindled by his own Passions, is apt " to deceive himself as well as his Auditors."

I quote this Passage, as it serves for an Apology for my painful dissenting from this very worthy Gentleman: For as a Man, and a Man of Sense, I must suppose, that he too has his Passions as well as I, though I confess, his appear to be more under the Government of prudent Caution, or perhaps calm Reason than mine. If I could fully assent to his Arguments, I should be proud and grateful in declaring my Conviction and it's Motives. But as that is against my small Stock of Judgement, I flatter myself, your Lordship and Honors will indulge me in explaning the Causes of my reluctant dissenting, and I am persuaded of the Indulgence of my learned and humane Antagonist; since an Heart like his can no more expect *implicit Faith*, than he would pay or exact, *passive Obedience*, or *Non-Resistence*.

We

We are perfectly agreed in the first Position for stating the Question, (p. 4.) in which indeed, all was, as the learned Author justly observes, *legal*, *customary*, and *constitutional*.

But, probably unfortunately for me, in the second Position, we differ too widely for Persons whose common View must be Loyalty, Liberty, and Truth. Here, he observes the Heads of a Bill were returned from *England* with a *proposed Alteration*, which he also says, *was all alike legal, customary, and constitutional.*

Now in this, I beg Leave to differ from the Judgement of my honored Friend, for so I must beg leave to call him; as Men must be Friends who have the same just Points in View, though they seek different Means to obtain them.

For, however necessary for the temporary Preservation of a distempered State, *Poynings*'s Law was found; it must be confessed, that it wants all the material Requisites of a Statute: The whole parlementary Power, in all it's Estates and Branches, is derived from, and held in Trust for those, who instituted Parlements, and established the national Constitution, before Parlements were framed or thought of. Those undoubtedly were the People, the Origin of all Power and Authority. Their Delegates then were fenced, and honored, and intrusted with all the Majesty, all the Prerogatives, Powers, Authorities and Privileges of the People, not for the particular Honor or Emolument of any Individuals, but for the common Good and Security of the whole Society, and the better to enable the instituted Legislature, to preserve the Constitution framed and delivered into their Care, Sacred and Inviolate, and thus to hand it down Secure to latest Posterity.

As Deputies and Trustees cannot depute or delegate the reposed Trust, without the Authority or Consent of their Principals, or their Ward; so the Parlement, without a Breach of the Original Com-

 pact,

pact, cannot alter the Constitution of the Realm, by alienating, transfering, diminishing, sharing, or dividing, the Legislative Power and Authority with any Man or Body of Men whatsoever. Hence, the Acts of the infamous Parlement of that detestable Tyrant RICHARD II, which vested the whole Power and Authority of the Legislature in the King, and a certain Number of his Counsilors, have fallen under the Contempt and Condemnation of all succeding Parlements, and are by all good Politicians considered as a Set of perjured Traitors, and Enemies to their Country.

But by *Poynings*'s Law, the Legislature shared, transfered, and in effect, alienated their delegated Power and Authority; added two other Branches to the established Estates of the Nation, the chief Governor and Council in *Ireland*, where his Majesty is unquestionably represented, and his Majesty in Person in *England*. This Law, however necessary, as a desperate Remedy, for a desperate Disease, when made, must be confessed, at this Day, destructive and anticonstitutional, and in it's ordinary Misconstruction and Abuse, tends to the Subversion of the antient, legal parlementary Government of this Kingdom. My honored Friend therefore, can not, upon cool Recollection, call this *legal or constitutional*, however unfortunately *customary* it may be found.

Then as for the *proposed Alteration*, there is no mention of that in the third Section of the Statute of the third and fourth of *Philip* and *Mary*, Chapter the Fourth, which explanes *Poynings*'s Law. This requires that all such *Considerations*, *Causes*, *Tenors*, *and Ordinances* as shall take Rise in either House of Parlement, and shall be thought fit to be passed into Laws, are first to be certified under the Great Seal of *Ireland*, by the Chief Governor and Council here, to the King and Queen, and their Heirs and Successors, in *England*, and are not to be passed into Laws,

in

in this Kingdom, 'till they are returned under the Great Seal of *England*, and then receive the Sanction of the three Estates of the Parlement of *Ireland*.

Here then, I must take the Liberty to set my honored Antagonist to Rights. Heads of Bills, or Bills are not sent over to receive the *Royal Assent* in *England*, that can onely be given here, by the King in Person, or by his Vicegerent: And his Majesty has no Authority, from this or any other Statute I know of, in Force, to *propose* any *Alteration*, in any Bill, sent for his Approbation, from his Parlement of *Ireland*. Therefore, I must presume, my learned Antagonist, will retract his Positions, that this is *all legal, and constitutional*, because it has been sometimes unfortunately *customary*.

The third Position staggers me still further if possible. I am sure it must have dropped from the learned Addresser, through Inadvertency not Design.

In the last Paragraph on the same Page, he positively Asserts, that *it is his Majesty's unquestionable Prerogative to put his Negative upon any Bill or Law, framed by either House of Parlement in* ENGLAND *or* IRELAND, *as also to propose any Amendment that he shall judge expedient, save in Money Bills, or laying a Tax upon the People.*

Sure this must be made up of a Congeries of Typographical Errors, or some Mistakes of the Amanuensis of my honored Friend, which unhappily escaped his Notice. This Doctrine might be agreeable about the corrupt Courts of the STUART Race, or under Ministers of their Stamp. Thank God! we live not in such Days, as can give Sanction to any such anticonstitutional and tyrannical Measures. Had I not learned to pay great Respect to the ingenious Writer, I should expose this dangerous Position with Acrimony. But, as I am persuaded he will disavow the whole, and probably find, it was foisted in unknown

known to him, by ſome miſſionary *Jeſuit* in diſguiſe about him; I ſhall reſtrain my Indignation, or to uſe my Author's Phraſe, the *Warmth and Impetuoſity of my Nature*, and content myſelf with coolely laying it open to his View, ſubmitting the Correction of it to his own Judgement.

That it is generally received, that the King has a Negative on all the Bills, paſſing his ſeveral Parlements, I well know. But, I can venture to appele to the Candor of our Author, whether or not the King in Fact, or in Effect, gives his Negative to any Bill. The learned Gentleman muſt know as well as I, that all our beſt Politicians hold, that when the King declines giving the Royal Aſſent to a Bill, he onely lays it aſide for further Conſideration. Hence, Bills thus layed aſide have been repetedly offered in ſucceding Parlements or Seſſions, till they at length obtained the Royal Aſſent.

I will alſo venture to appele to the Author's extenſive Reading for a Proof of this Truth; that whatever the Uſage of later Days may be found, with regard to the denying the Royal Aſſent to Bills, by the antient Inſtitution and Cuſtom, the King was bound to give an Anſwer to every Bill preſented to him by both Houſes of Parlement, for the Royal Aſſent.

The Reaſon and Neceſſity for this, are ſo obvious, that nothing can be offered againſt it, but the long neglect and diſuſe of the Law, for which the Parlements, not the People are to blame.

But however my ingenious Antagoniſt may get over this; I cannot ſuppoſe he will, after Conſideration, attempt to ſupport the later and more dangerous Part of the Poſition, *that the King has an undoubted Right to propoſe any Amendment he ſhall judge expedient to any Bills*, propoſed to be paſſed in his Parlements.

I am

I am ſure, upon being by this called back to his Recollection, my learned Antagoniſt muſt retract this dangerous and erroneous Poſition: He moſt aſſuredly, muſt know, that our King has no Sort of Power or Influence, by the Laws, and the Conſtitution, over any Bills brought into either Houſe of Parlement, or through any Stage of their Progreſs, till they are paſſed both Houſes, and preſented to him for their Completion by the Royal Aſſent. I believe he will even confeſs, that his Majeſty is not by the Conſtitution, ſuppoſed to know of any Bill, in any Stage of it's Progreſs, in either Houſe, from it's Riſe to it's being preſented to him for the Royal Aſſent.

As his Majeſty has his Prerogatives, in the Security of which the People are concerned, ſo the Parlement have theirs, under other Names, eſtabliſhed by equal Authority, and for the ſame Purpoſes, the common Good of the State, whoſe Freedom and Happineſs depend upon the exact Balance of the Regal Prerogative, and the Authority and Privilege of Parlement. Therefore every ſenſible, loyal Subject muſt think it his Intereſt and Duty to be as careful of ſupporting and maintaining the one as the other.

Neither Eſtate has a Right to take Cogniſance of a Bill depending in either Houſe of Parlement, until offered unto the other for it's Concurrence, or to the Crown for the Royal Aſſent. And if one Houſe may not interfere with the Procedings of the other in paſſing of Bills, how much more neceſſary is it that each ſhould keep it's Procedings clear of all Interpoſition and Influence of the firſt Eſtate.

If the Crown may *propoſe Amendments* to Bills, why not frame whole and original Bills? And if that ſhould ever be the Caſe, in what would an *Iriſh* or a *Britiſh* Legiſlature differ from the ſhattered Remnants of the *Gallic* Parlements, which are forced to receive, regiſter, or paſs the *propoſed Amendments*, the Mandates or Edicts of their mighty Monarch? — Sure nothing like

this

this could come within the Intention of this learned and ingenious Writer. He can not be a modern *French-man*, and a brave old *Franco-gallian* would have ſpurned at the ſlaviſh and unparlementary Poſition, as every true *Briton* muſt. I hope the Author for his own Honor and the public Satisfaction, will diſavow the tremendous Tenet, confeſs it ſome Interpolation, unaccountably crept into his Work, and *no way legal*, *conſtitutional*, or *cuſtomary*.

But I am confounded at finding a long Train of Conſequences attending this Poſition, in the ſubſequent Page, which I can not conceive how to diſpoſe of, conſiſtent with the Reſpect due to the learned Author. If the Poſition be, as I muſt be perſuaded it is, falſe, the Inferences fall to the Ground. But if otherwiſe, we muſt comfort ourſelves upon ſome Part of them.

The learned Gentleman is pleaſed to conſole us, with a Poſition to balance the former, that *it is the unqueſtionable Province and Privilege of either Houſe of Parlement in theſe Kingdoms, freely to accede to, or arbitrarily to reject any Bill ſo propoſed to be altered by his Majeſty*, &c. If ſuch an *Amendment* might be *propoſed*, which is contrary to my beſt Notions of the Laws, Cuſtoms, and Practice of Parlement, I cannot ſee how it would be conſtitutionally *acceded* to. I hope it would be *rejected* by either Houſe, with Contempt, and that judiciouſly, not as our Author I hope in a Miſtake, calls it *arbitrarily*, as that belongs onely to deſpotic Power, which reſides in no ſingle Eſtate of our Legiſlature.

In the ſucceding Paragraph we are told, that *the Laws and Conſtitution have made no Proviſion towards appointing or limitting the Manner or Matter of any Amendment or Alteration that the Crown ſhall pleaſe to propoſe reſpecting any impending Bill, however ſuch Alteration may be laden with Novelty, or even with an Attempt at Innovation*, &c.

When

When a Person of so much Sense and Erudition, as our Author appears, can so positively insist upon this, I cannot sufficiently lament the melancholy State to which the Constitution of *Great Britain* has been reduced since I returned to this Kingdom! The *Stuart* Family, following the Advice of Flatterers and Puffers of Prerogative, clamed a despotic Dominion over the Laws, a Power to *dispense* with all Laws. They attempted to rule arbitrarily without Parlements, and committed every Outrage upon the Lives, Liberties, and Properties of the Subject, upon all the Laws and the whole political Constitution. But among the numberless atrocious Crimes, that make the Memory of that Stock hateful to every true Friend and Lover of our Establishment, no Mention is any where, that I can find, made of a Charge of *dictating Amendments* or *Alterations of Bills to their Parlements*. And in the long black Catalogue of their Vices, surely one of so deep a Dye as this could not be over-looked.

If this Alteration of our Author, in the Constitution of Parlements, was not made in the Regne of the *Stuarts*, sure I am, it was not made in the Regnes of the first or second Princes of the *Hanover* Line. The more than *Machiavilian* Minister of these Princes, never attempted, amidst all his destructive Arts, one that might have answered his baneful Purposes so well, as *dictating from Prerogative, Alterations or Amendments in Bills*. And may we not hope, that a Gentleman of the good Sense, which our Author displays, will not chime with the slavish Writers that disgrace our Days, or think he can hope to pay Court to any Man now in Power in either Kingdom, by introducing this worse than Jacobitish Position. He must know nothing, who does not know, that our present patriot King makes no such Demand as this, nor ever did or can exercise a Part of the royal Prerogative, that is not confessedly for the common

Benefit

Benefit of the Crown and the Subject. Is it not enough that Hiſtories of *England*, of her Religion, Parlements and Politics, written with Craft and Subtilty by Jeſuits and other Enemies of our happy Eſtabliſhment, are publiſhed, vended and well received in *Great Britain?* and that ſome of the Writers of this Claſs are plucked from Gaols and Pillories, and put into Places and Penſions?—Why is this Time choſen to poiſon the Minds of the Subjects in this Manner?—And what can our Author mean by broaching theſe ſlaviſh Doctrines in this Kingdom, whoſe Citizens have in all Ages, in the worſt of Times, aſſerted their Freedom with unblemiſhed Loyalty?—He will not ſurely, ſay, that theſe are the Meaſures of the preſent Adminiſtration. O! no; that is impoſſible. He will therefore quickly explane or reject theſe dangerous Poſitions.

In the ſame Paragraph, our Author proceeds, from the Goodneſs of his Heart, no Doubt, to draw Concluſions, in which he will, I believe, be found to have led himſelf and ſome of his Readers into Miſtakes.—He ſays, " The Reaſon is that no " Alteration, which the Crown can poſſibly propoſe, " can innovate or be concluſive on the other two " Eſtates, as it is equally at their Option to reject or " accede to ſuch Alteration. If they happen to ap- " prove thereof, it then becomes their own Act. " They are however, free in Proſpect, they are not " concluded thereby, the Gate of Repentance is " never cloſed againſt them. If the Alteration pro- " poſed is temporary or of ſhort Duration, it cannot " innovate or conclude in any Thing beyond its own " Term. The three Eſtates, with all their Powers " united, cannot frame any Precedent that can con- " clude againſt themſelves. Laws inſtituted for Per- " petuity are ſtill ſubject to their Repeal. And a " ſingle Seſſion, of ſenſible and incorruptible Mem- " bers, is available for aboliſhing and tearing up by " the

"the Roots every Growth of Iniquity, of Treachery "and Proſtitution that hath ariſen, from the Date of "Time, in theſe our unweeded Gardens."

From theſe Words, which from any other Writer, would be ſuſpected to be crafty and inſidious, we are to underſtand firſt, that no Miſchief can poſſibly accruſe from the Crown's propoſing Alterations in Bills; and that onely becauſe the Parlement has it in Option, whether to accede to, or reject ſuch Alteration. May not this Argument be carried too far? I will anſwer for myſelf in the Affirmative, with great Deference to the learned Author. May not the ſame Argument be uſed for the King's taking upon him, as the *French* Tyrant now does, the ſole Power of framing the intire Bills? For taking from both Houſes of Parlement their Right of adviſing or counſelling the Soveregne or firſt Eſtate? For taking away the deliberative Voice of Parlement?—Where, ſays our Author, is the Miſchief, ſince it is at the Option of both Houſes to accede to or reject theſe Bills? Sure he could never intend this dreadful Subverſion of our Legiſlature! No certainly, it muſt be all a Miſtake. The Gentleman may perhaps inſiſt upon this being the Caſe in *England*. He may know better than I. But ſure I am, this never was, is not, and I hope never can be, the Syſtem of our Policy in *Ireland*. And God forbid, that this ſhould be a Prelude to the attempting the horrid Change!

Secondly, by thoſe Inferences, we are to underſtand, that the Miſchief is the leſs, *becauſe if the Parlement happens to approve of the Alteration, it becomes their own Act.* Good Heaven! My Lord, how does this leſſen the Evil? Are Matters the leſs reverſed, when the Executive Power takes the Place of his grand Council, becauſe they may reject his Advice! This, You ſee will go as much too far, as the former. Their even having a Power to receive Advice or Alteration propoſed is tremen-

dous and dangerous, from the Power and neceſſary Influence of the firſt Eſtate.

Thirdly, We are, from thoſe Inferences, to underſtand, that tho' the Parlement ſhould agree to theſe like Meaſures, which God forbid! *they are not precluded; and if the* Alteration propoſed *be temporary, the Innovation can not extend beyond its own Term: That Parlements can make no Precedent againſt themſelves; becauſe Laws inſtituted for Perpetuity are ſubject to their Repele; and that a ſingle Seſſion of ſenſible and incorruptible Members is able to aboliſh and tear up by the Roots every Growth of Iniquity or Treachery in all former Parlements.*

To theſe, with much reſtrained *Warmth* and *Impetuoſity*, with much ſuppreſſed Indignation, I endeavor to anſwer;

Firſt, That though Parlements or other inferior Courts can not be bound by Precedent; Yet, that Precedents have uſually great, not to ſay too much, Weight in the Determination of all Courts. Elſe, why are they ſo ſtudiouſly made and ſo aſſiduouſly reſorted to, in all Debates, eſpecially when in Favor of the too much abuſed Word, *Prerogative*, and againſt the popular, which is, or ought to be the regal Intereſt?

And, ſecondly, Though the general Evil or Good of a temporary Statute is but of it's own Duration, the Precedent is never failed to be occaſionally quoted, as if of perpetual Obligation. If not ſo, there could not be ſuch Solicitude on one Side to eſtabliſh, and on the other, to prevent the Eſtabliſhment of Precedents.

Thirdly, That though Parlements may and can reſcind or repele all former Acts, alter and abrogate all Laws, but thoſe which eſtabliſhed and guard the eſſential and unalterable, fundamental Principles of our Conſtitution; the ſecond and third Eſtate, however wiſe, and inflexibly virtuous, and faithful, have it not always in their Power to repele obſolete and injurious Laws, and much leſs to pluck up by the Roots

ſuch

ſuch Plants as ſprang up from evil Seeds, ſown in former Times. The Reaſon, the Author himſelf ſtrongly inſiſts on, when he ſays, the Crown has an abſolute Negative on Bills agreed upon by both Houſes of Parlement. What then can *a ſingle Seſſion of ſenſible and incorruptible Members avail?* — Would *Poynings*'s Law ſtand this Day a Reproach to every Part of the Legiſlature of this Kingdom, could our late or preſent incorrupt and incorruptible Lords and Commons hope to prevale in an Act to repele, or at leaſt to correct and amend it?— I ſhould be glad, our learned Author would point out the Inſtance, in which a ſingle Seſſion was able to prevale in rectifying the Back-ſlidings or Abuſes of former Parlements, where what is called the Prerogative was concerned. If then, Parlements can not eaſily aboliſh Precedents, or repele Laws, that apparently make the Prerogative preponderate againſt the Privilege and Authority of the Parlement, and the Rights and Liberties of the People, put together; how cautious ſhould faithful Truſtees and Repreſentatives be, in eſtabliſhing Precedents, that may in any future Time be abuſed, or in enacting Laws to ſtrengthen the Hands of the Crown, which when found ever ſo hurtful, are never found eaſily repeled?

Our very learned and well bred Author ſeems to make very ſlight of the Alteration made in the Heads of the Corn Bill. I have already ſhewn that this Alteration appeared to me injurious and anticonſtitutional; and this has not been contradicted yet, with any Color of Truth or Reaſon, by any Man of Senſe or Manners, before our Author.

It is indeed to be preſumed, as he does, that *a Deſign, either ſalutary or injurious, apparent or latent*, was couched under the *Alteration*. How does our learned Author and Friend anſwer this?—Why, in the ſucceding Paragraph, (p. 6,) we learn, that as both Kingdoms were apprehenſive of a Dearth of Bread;

Bread; that as *England* never ſhut her Ports, in ſuch Caſes, againſt *Ireland*, our Ports and Stores ſhould be equally open to her, in the like Emergencies; and that the King being the common Father of both People, it was incumbent on him to be alike attentive to the Neceſſities of both; that as *Ireland* began to take care of herſelf, and thought it was reaſonable, they ſhould be firſt provided for; yet that upon the Advice of his Majeſty's *Britiſh* Council that his *Britiſh* Subjects were in Want, of which his *Britiſh* Council alone could be the competent Judges; why it was but fit, that the poor *Iriſh*, who have no Sort of Encouragement for Tillage, and could never yet obtain a Law for that Purpoſe, ſhould be ſacrificed to the Neceſſities of *England*, or in other Words, that the *Engliſh*, when Hungry, may eat up all the *Iriſh*, at a Meal.

I hope it will not appear, that I have ſtrained an improper Conſtruction, from the Words of my learned Friend. The Analogy between the two Kingdoms, can alas! in no Inſtance hold good: Agriculture and the Exportation of Grain, is encouraged by parlementary Bounties in *England*. Therefore they have rich Granaries and Corn-factors. We have neither, and therefore hardly ever have Corn enough for home Conſumption. *England* may afford to ſhare her Grain with us, when we can never hope to help her, under our preſent Circumſtances. Yet the Bill, as I have already ſhewn your Lordſhip and Honors, left it in the Power of the Crown, by the Advice of the Privy Council here, to ſhare their Grain with their Brethren of *England*, as far as Self-preſervation would admit. Who could aſk for more?

Upon the whole, I think it has been made evident, in my firſt Addreſs, that *England* was as well provided for, by the Heads of a Bill, as might be reaſonably expected, conſiſtent with Self-preſervation, the firſt Law of Nature, and the Laws and Conſti-

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tution of this Kingdom. Therefore the Alteration, for I cannot call it Amendment, being unneceſſary, was a wanton Exertion of Power, and inſidious, if not injurious. And moreover, it has been made apparent, that the ſuſpending the Law in Part, is a Repele of the Whole, and conſequently, that the Benefit of ſpoiling this famiſhed Kingdom of it's Corn, could not be confined to ENGLAND alone, as it is now pretended was the Intent of that Alteration.

Theſe Conſiderations induce me to judge, that all the Arguments of our Author, on his ſeventh Page, are ill founded.

It is moſt certain, as the Gentleman obſerves, that he, whom he pleaſes to ſtile your zealous Repreſentative, neither did nor can view theſe Matters in the ſame Light with the Author. And for this plane Reaſon; I ſee the Multitude, in all Ages, have payed their Court, by flattering the Crown, with extending the Bounds of the regal Prerogative, or rather unlimitting it. This has been the Cauſe of all the great Troubles and Revolutions in ENGLAND. The Miniſters of the Crown have always been watchful and active in this Extenſion; while the Repreſentatives of the People have been negligent and ſupine, to ſay no worſe. Hence, ſeveral invaluable Privileges of the People have been ſwallowed up in the bottomleſs Gulph of Prerogative, which are not ſo eaſily recovered, as our Author ſeems to believe.

As I am thus made ſenſible, that the onely effectual Way of preſerving the Conſtitution in Peace, is by keeping a juſt Balance between the Prerogative of the Prince, and the Privileges and Rights of the People, as well in, as out, of Parlement; ever equally watchful, of the the Rights of the Crown and the Subject, I feel Pain at every Pore, when either is attacked, and with all my feeble Force, inſtantly and conſtantly oppoſe the dreaded Innovation. —— And as our Author more witti-

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ly than ſeriouſly expreſſes it, (p. 8,) I do not *conjure up Groupes of Spectres &c. But I behold the Miniſters of political Sin*, which endangers the *political Death*, or *Diſeaſe* of my Country, with Horror, which the Righteous cannot feel, and therefore cannot fear on the other ſide the Grave.

I find my learned Antagoniſt is as great a Stranger to me, as I am to him, or he could not ſo far deviate from his declared Candor, as to ſuſpect me capable of the Fright he paints, or fall into the pathetic, but reflecting Expreſſion in the next Paragraph, to wit; "I will in no Reſpect deceive or miſlead You, my "Friends."—This too planely intimates, that Mr. *Lucas* has; perhaps the Author will ſay again, not deſignedly. But this is ſomewhat too much. Let it however, for the preſent paſs.

In the Sequel, I am called upon to give my Judgment of his Majeſty's Meaſures and Intentions. Here, your Lordſhip and the whole City ſee how little this Gentleman knows of me. You know, I am no Flatterer; You know how often, and in what Terms, I have teſtified my diſintereſted Love and pure Loyalty to his Majeſty, and my zealous and inviolable Attachment to his royal Houſe. That I have always looked upon him, as not onely politically, but actually free from Blemiſh or Imperfection; that I know his Heart overflows with pure Love and Benevolence to all his Subjects, and that I have myſelf ſenſibly ſhared of his Royal Clemency, in reſcuing me from the oppreſſive Hands of that deteſtable hoary Tyrant, a long Parlement, with a wicked Miniſtry, and certain iniquitous Rulers of this City. His Royal Touch healed the Wounds and Bruiſes, given my Country, through my Sides. You know my Words, my Writings, the Tenor of my whole Life and Conduct proclame my invariable Gratitude, Affection, and Duty. And when I forget the Deliverer of my Country, let my right Hand for-

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get it's Function, and my Tongue cleave to the Roof of my Mouth.—In his Royal Goodness, I repose the most boundless Confidence.

But why is his sacred Name and Character to be hawled into this Controversy? Is it to be imagined, that he can look into Matters of this Nature? Are they not all left to his Council? Does not the Council refer them to one or two Servants of the Crown, who alter, report or reject them at Pleasure?

I honestly and openly confess, I have not the fullest Confidence in all those, that are put in Authority under him, in either Kingdom.

As I can have no View beyond a faithful, honorable Discharge of the Duties of my Sphere, I can see the Transactions of such Men with the most unprejudiced Eye. Let their Characters stand ever so clear of Reproach; I think it my Duty to suspect and to watch their Conduct; to oppose and censure their Measures, where I judge them wrong or injurious to my King or Country; and to promote, to forward and applaud them, when they obtain the Concurrence of my little Judgement; for I despise the Notion of Mysteries or Secrets in a Government like ours.

I am as willing as the Author, to give this extraordinaty Part of their Conduct, the strictest and fairest Examination, and to point out how noxious or inoffensive this *ill-looking*, not *fair-seeming*, Alteration may be found.

The Author's Sentiments and mine, with Respect to *England* and *Ireland*'s being Kingdoms separate and distinct, and independent of each other; p. 8, Paragraph the second, happily agree, all to a little Incorrectness, or rather Want of the necessary Precision of Expression, where he asserts, *that the executive Power of* Ireland *is vested in the King of* England; and draws the following Inference, *that the executive Power, or the Dispenser of that Power, must reside in* England.—The Gentleman might, with

with equal Truth and Propriety have ſayēd, that this Power is veſted in the Elector of *Hanover*. The Fact is, that the King of *Ireland* became, as the King of *Scots* after, and the Elector of *Hanover* ſince have become, King of *England*. The Executive of *Ireland*, no more belongs to the King, merely as King of *England*, than the Executive of *Scotland* did, before the Union, or that of *Hanover* now does. And there can be no other Neceſſity for our King's reſiding in *England*, than his being one and the ſame with the King of *England*, and conſequently, unable to divide himſelf, other than by deputing his regal Power to proper Subſtitutes here, where the Executive muſt therefore neceſſarily lye. And all this, the Gentleman himſelf confeſſes, in the Concluſion of the Paragraph.

If then, the executive Power of IRELAND be, and muſt be delegated to ſome Vicegerent or Miniſter of the King, reſident here, and ſure it cannot be otherwiſe exerciſed, the with-drawing, or transfering, that Power from this, muſt be highly injurious, to both King and People, as the Kingdom cannot be ſuppoſed to exiſt without it. And if it may be with-drawn or transfered in Part, why not in the Whole?

I am not inſenſible, as the Author obſerves, p. 9, that the Privy Councils of either Kingdom, make no eſſential Part of the original Conſtitution of either Government. They are Perſons, whoſe Creation and Exiſtence alike, depend upon the Will of the Soveregne. And ſuch Number or Particulars of them, as the King pleaſes to ſummon make the Council. Therefore happily, they make no eſſential Part of our Conſtitution.

But what will this Conceſſion avail our Author?— It is certain the King uſually exerciſes or directs his Executive Power in ENGLAND, by or in his Council. As it alſo is, that he veſts his executive Power in IRELAND in his Vicegerent and Council here. There-

Therefore the withdrawing or transfering, the Power usually vested in a Person or Persons resident here, in one Instance, and that by an Act of Parliament, is confessing that it is lawful and right to do so occasionally, in all Instances. And therefore the Injury is the same whether the Privy-Council, be or be not a legal, as they are made an actual, Part of the Constitution. Thus the learned Gentleman's Arguments appear to me, when stripped of the very ornamental and engaging Garb, in which his Oratory dresses them.

We are also agreed in the Appointment and Use of Ministers and Privy-Counsilors; as also that none of those resident in ENGLAND, can exercise any Part of the executive Power in IRELAND. But, MY LORD, is not this later Position disguised in a little Sophistry?—His Ministers resident in ENGLAND, can not take upon them any Part of the executive Power in IRELAND. But, by this Law, his Majesty, who has delegated his executive Power in IRELAND, to his Vicegerent here, is to exercise that or the dispensing Power, which is in this Instance the same Thing, in ENGLAND, regardless of those, who alone can be supposed qualified for the Task.

And because this is to be done by his Majesty in Person, in Council, in *Great Britain*, not by the positive Act of any Minister there: our ingenious Author is pleased to *challenge any Man to shew in what Instance, in what Light, this Act can in any Degree affect either the Executive or Legislative Powers of this Kingdom.* I flatter my self, this is unanswerably shewn in my first Address, and I find my Sentiments confirmed, upon looking into the Lords' Journal, where a Protest is entered against the passing this Act. And therefore, however elegantly the Gentleman argues to the contrary, *page* 9, 10; I am persuaded upon a Review of his Work, he will retract his Opinion.

Why the learned Gentleman supposes, that when the Heads *of the Bill* passed the Commons, there was

no Expectation of their returning, I can no more conceive, than I can admit that it was so very exrraordinary an Act of Clemency to permit a wretched People to keep their small Stock of Grain at home to prevent a Famine. I can not view the Majesty of our King in so disadvantageous a Light, as that in which this Gentleman presumes to place it. Would he think that the preserving a loyal People from Famine, at their own sole Expence, is such a wonderful Condescension and Grace? Poor *Ireland*, how cheap art thou held, regardless of your invariable Loyalty! No wonder then, that there was not much Time necessary for Machinations of Ministers: For, by the Author's Hints, we may judge they are always premeditatedly prepared; and we have too good Grounds for Jealousies and Fears.

But if this Alteration be really no more than a *Bugbear*, or a *Shadow, and tremendous through our Want of Discernment*, to what End was it made? to what Purpose was it so violently insisted on, so rapidly passed? Or, if it was advantageous and honorable, how come it was not better received and countenanced by the Great Ones, who openly disavowed it to their Friends?

Our Wonder at all that our Author has said about this Alteration must cease; when we find, p. 11, that he tells us, *that the Alteration is in fact, no Alteration at all.* Withold your Smiles or Admiration, till you hear the Reason; *his Majesty in both Councils is one and the same individual Person.* What shall I call this? I am too tender of the learned Author to name it. — Shall we say, that because the natural Person of the King of *England* and *Ireland* is one and the same, and indivisible, that his Subjects of all his Dominions are not to separate, divide and distinguish his political Capacity? Shall his Subjects of *Hanover*, or of *Ireland*, obey him merely as King of *England?* Is not their Allegiance due to him, merely as Elector of *Hanover*, or

as King of *Ireland?* And is not the Homage of the *British* Subjects payed him, purely as King of *Great-Britain*, not as King of *Ireland*, or *France*, or Elector of *Hanover?* Sure, My Lord, I may be allowed to call this Sophistry below the Dignity of our learned Author.

His sneering Distinction between the *Irish* and the *English Night-Gown*, and the comparing these to the Privy Council of both Kingdoms, are much of a Piece. If his Majesty were to be distinguished by particular Habits or Diadems, proper to his several Kingdoms and Dominions, in the Discharge of the regal Office to them respectively; it would certainly be an improper, perhaps a dangerous Innovation, to put on the Dress or Diadem of one Nation, when he appeared to the Subjects of another. How would the *British* Parlement like to see their King ascend the Throne of *England*, attired in his Electoral Habit and Coronet, instead of the Imperial Crown and Robes of *Britain?* And sure the Argument must hold somewhat stronger with respect to the Privy-Council. How would the *British* Subjects like having Orders conceived to rule them in the Council of *Hanover*, when some of our Kings resided in that Part of their Dominions? or by Orders made in the Council of *Ireland*, if his Majesty should reside in this Kingdom? These, I shall leave to the cool Reflection of our Author and the Reader, without offering any Answer of mine own.

But, if this Alteration could arise onely from the Blunder of a Clerk of the Hanaper, as our Author seems to believe, p. 11, pray why all the Expedition and Violence in passing it first? and justifying it now? And what is meaned by Mr. *Lucas*'s *jocose Intimation*, I am too dull to discover, without taking a Trouble, which is not worth while.

I am under the disagreeable Necessity of pointing out some other material Points of difference between this

this ingenious Author and me, p. 12; here, he says, *thus the utmost Benefit sought by the Bill, was the preventing the Exportation of our Corn for a while. And the greatest admissable Evil, the denying the Royal Approbation to it, which would leave it liable to be exported.*

The First, I grant; but the Second, I deny. Because I think the actual Death of the greatest Number, that could be supposed to die of the once imagined Famine, the Fears of which were otherwise happily removed, a much less Evil than the political Death of the whole Kingdom for which the *Alteration* layed a Foundation.

The sliding Assertion, that his *Majesty declined to indulge us in a certain minute Article of ours* is not true. The Reverse indeed is the Truth, that we were granted infinitely more than we could ask or expect, or rather in the Grant, were deprived of the Benefit of the executive Power, essentially inherent to us as a Kingdom—And thus to secure us our own Pittance of Bread, in Time of Need, we were put under the Necessity of accepting a Precedent for a fatal Innovation in our Constitution. If this be the Case, which neither is, nor can be denied, the rest of our Author's Paragraph is a mere jingle of sophistical Expressions, derogatory from Truth, and therefore inconsistent with the Dignity of the Author and the Subject.

The Conclusions he draws, from his imaginary Examination of the Argument, are equally fallacious and insidious, though far from his Intentions. Neither this Gentleman, nor any of the King's Subjects, can have a more perfect Sense of Duty to, or repose more Confidence in his present Majesty, than I do. I am hurt at the frequent mentioning the Royal Name, in this Dispute. But as it seems to be but a Word of Office, very familiar in the Mouths of Ministers, under which they often skreen themselves, I must also use it, as the Author does, and probably in the same Sense; for I must suppose

ſuppoſe, that for Majeſty, he generally underſtands Miniſtry. I beg he will in this Inſtance, give me leave to join with him, and in the Word King or Majeſty, mean Miniſter or Miniſtry. And for theſe, I think the Gentleman ſo zealous an Advocate, that I begin to conceive ſome Suſpicion, that he is of the Number.

"All the Precedent," ſays he, "this Act affords, is a Precedent that declares, that his Majeſty, even in Matters, where his Judgment is different, will never attempt any Thing without our Concurrence."——While we are ſenſible, virtuous and free, he cannot do otherwiſe. "That he is pleaſed to derive his Authority from us".—From whom alone he derives all the Authority and Power he poſſeſſes, and for whom he holds them in Truſt. "That he is deſirous of act-"ing under the Appointment of our Legiſlature."—As none other can give him new, or extend or limit the Powers he derives from our Laws.—"And that even the diſpenſing Power, confided to him by this Bill, aſſumes nothing as a Clame, arrogates nothing as a Prerogative, but ſubmits to borrow all it's Efficacy, to take all its Force from the Act and Inſtitution of our *Iriſh* Parlement."——Becauſe no ſuch Aſſumption of a Clame or Prerogative can have any Efficacy, Weight, Force or Authority, from any other Quarter, while the *Iriſh* Parlement continues faithful to their King and Country.—Does our learned Author advance the Cauſe of the Miniſtry by this Kind of Argument?—If he has any Employment, I fear he may loſe it, for ſo weak a Defence, therefore in Charity, I will not venture to expoſe this further.

On the thirteenth Page, he is pleaſed to ſay, that Mr. *Lucas ſeems to complain, that the Heads of a Bill were ſent in Compliance with* Poynings's *Law*, to *Great Britain*. I utterly deny the Inſinuation. What he ſays of the *Prerogatorial Power of a Negative on Bills, and the inconcluſive Right of propoſing Amend-*

ments,

ments in them, I have already anſwered. And the reſt of the Paragraph is a pompous Parade, made upon the *inſinuated Complaint*, which is offering an Injuſtice, at the Sight of which, the Author muſt bluſh and be ſet to Rights: For, if he means to do me Juſtice, he muſt confeſs, that my Speeches and Writings on this Subject, make the very ſame Complaint, which he ſays I ſhould have made. If he be as candid and juſt, as I am inclined to believe, he will read this at leaſt with Pleaſure, as it will put him in the Method of doing himſelf and me Juſtice, which ſurely I have a Right to demand at his Hands.

I ſhould be very glad to know what the learned Gentleman means, in a Controverſy with me, about an Alteration in a Bill, to hawl in what I deteſt as much as he can; *ſtraining at Gnats, ſwallowing Cammels, lethargic and frightful Periods; Mock Patriots, Mob Magiſtracy, Mob Adminiſtration*, &c. &c. &c. Let the Gentleman ſpeak plane, point out the Agreſſors, and I will go as far as he or any Man in ſhewing my Contempt, Deteſtation and Abhorrence of the Men and the Meaſures. I ſhould gladly know, whether this Part of his Work be, to be conſidered as the *roaring of a Britiſh Lyon*, or *the Bleating of an Iriſh Calf, or the Braying of an Aſs*.

The Gentleman would do well to inform himſelf, that the *Mock-Patriots*, and *Mob Magiſtrates, and Mob Adminiſtrations*, were produced from the ſame Source, EVIL GOVERNORS. Theſe never fail of tempting vane and avaricious Men, to quit the Service of their Country, and inliſt in the Bands of evil Miniſters for a paltry Titule, or a pitiful Place or Penſion; while by holding the Reins of Government unequally, irregularly, perhaps unjuſtly, or by ſome wanton, oppreſſive Exertion of Power, they drive ſober and inoffenſive Men to Diſtraction and Deſparation; and then as the Devil ſerves his Dupes, theſelike deviliſh Governors, expoſe and perſecute the Wretches they have

have thus perverted.——Let us have no ſuch Governors, and we ſhall keep clear of theſe Reproaches to Government. What unpardonable Inſolence to the preſent virtuous Adminiſtration, to hint at what was done by the worſt Governors that ever infeſted this Kingdom!

As for the Mobs, I have not had the Misfortune of ſeeing or hearing of any ſince my Return from Exile; except that which broke open our Gaol and trampled the Civil Power under Foot. Yet theſe are paſſed over as quite inoffenſive by our Author. Shall we ſay, here is *Hay on the Horn? A Snake in the Graſs?*—Huſh! not a Word of that; for had the making a general Gaol Delivery by military Force been a Crime, our late Government would undoubtedly have had the Offenders puniſhed by the offended Civil Power.

And as for the *Mock-Patriots*, I am as willing to have them, and thoſe who made them, expoſed, as our learned Author can be.

But I muſt think the Gentleman treats the Subject of Mock-Patriotiſm not ſo fully as it deſerves, and without keeping up the proper Diſtinction between the true and the falſe Patriot.

Patriot and Patriotiſm, are now no longer conſidered as real, but ideal Characters. That they were once otherwiſe, our Author will confeſs. And I hope, he is taught by his own Heart to believe, that there are yet ſome Men in the World, who are ready and willing to ſacrifice, upon a proper Occaſion, their Time, their Fortunes, their Healths, their Lives, to the Service of their Country.

That deſigning Men have often layed hold of trifling, as well as weighty Occaſions, to ſet forth their own Importance, to gain their private Ends; and that great and important Subjects taken up apparently, with juſt and public-ſpirited Views, have been given up and forſaken, when the Miniſtry

have

have thrown out the proper Lure, are notorious, as they are hateful.

That the Royal Consent was once anticonstitutionally, yet without Opposition, inserted in an Act of Parlement, and that at another Time, the Proposition was constitutionally spurned at, and rejected in the same Parlement, is certainly true. That many Patriots arose upon this great Occasion, while the Funds were redundant in the Treasury, is true. But that these were short lived Pageants is as true. That some lossed their Places, some their Pensions, for a while, is certain; but that the chopping and changing, placing and pensioning, and replacing and repensioning *these Patriots*, cost the Nation about half a Million, is as certain.—As it is, that while they justly contended for the Right of Parlement to the Disposal of the Redundance of the Funds in the Treasury, they afterwards peaceably suffered it to be drawn out of the Treasury by the sole Mandate of the Crown. And thus, it must be confessed, that ours, like other Patriots, have been but the Pageants of a Day, each acting their Parts like the poor Player, *who frets and struts his Hour upon the Stage, and then is heard no more.*

But what is all this to the present Purpose? Because there have been many pretending, false Patriots, is the Name and Character to be treated with Contempt? And are we, for this Reason, no longer to look upon Patriotism as an *operative Principle*, but as a *Word to ride on to Preferment?* If our learned Author knows of any such base Characters among us, he would do well to set a Mark upon them. I stand foremost in the Number of those, who set him and the World at Defiance.

And for the Warning, our Author gives your Lordship and the Citizens, that *if You are not desirous that a Spirit of Dominion should not rise into any Excess pernicious to Liberty, let not Liberty break Bounds into any Excesses pernicious to Government and the Constitution*; it sounds like an odd Sort of a Threat in my Ears.— And I can not conceive why it should be addressed to You, who are the most loyal and well affected of all the King's Subjects.

Our Author's Notion of Liberty, seems also some what odd. *Liberty with him, breaks Bounds! commits Excesses!* &c.—How is it possible? Liberty must ever be subject and amenable to the Laws. It is Libertinism and Licentiousness, that cause those Excesses. Let them be punished, wherever

wherever they are found. Sure, My Lord, we shall ever appear to stand clear of the Charge.

On Page 14, 15, I stand accused of some Indelicacy of Expression towards a great Man. And though the Charge is made with Lenity, and seems to be palliated with Tenderness; I must beg the Indulgence of your Lordship, and Honors in offering a Justification of my Conduct upon this Head.

In my first Address, as well as in former Papers, I have given some Account of *Poynings*'s Law, and of the Statute of the third and fourth of *Philip* and *Mary*, explanatory of that Law. After this I ask, p. 10, 11, shall it appear, that greater Regard was had, both by the Crown and the Parlement, to the Freedom and Rights of the Parlement and People of *Ireland*, in those dark and cruel Days, than in the inlightened golden Age of that blessed Son of the glorious Revolution, GEORGE the Third?—On all this, howevever, our learned Critic makes no Animadversion: The calling the Conduct of Majesty in question seems with him a *venial, political* Sin, while the slightest Glance at his Lieutenant appears a capital, and mortal Sin.

Please, My Lord, to examine the Words themselves with Strictness and Justice, and see whether they will admit of any Degree of evil Meaning or Design, when I first inform You, that upon the first Question on the altered Bill, after the House adjourned, the Members were solemnly assured, upon the Honor of a great Man, usually well versed in the Ways and Secrets of Government, that the Alteration in the Bill, was no Measure of his Excellency, nor one approved by him, and that he was authorised to declare this for his Excellency, as he also did for himself. To which, I immediately answered, that his Excellency should be acquitted of the Blame, and that *the Saddle should be set on the right Horse*, meaning the Gentlemen who took upon them to support the Measure, as if it had been patronised by the Lord Lieutenant. And I attempted to fulfil my Promise, but was borne down by a Torrent of Impetuosity, not necessary to be explaned here.

Now, my Lord and Gentlemen, examine the Words themselves, in which, I am sayed to glance hypothetical Reflections: They are these, *And what wicked Enemy to our most gracious King, and to the present patriot Administration*

 could

could contrive a Scheme, which, if it should take Place, must prove at once dishonourable to the Crown, and likely to inroll the unblemished, the illustrious Name of SEYMOUR *in the Black List of Poynings, Radcliff, Burnell, &c. &c. Names which must be handed down to latest Posterity, with Anathemas and Infamy?—I still hope, you will be the happy Instruments, to prevent such a shameful, destructive Scheme's taking place, and that by interposing your just Influence, and regularly opposing this Bill in every Estate or Branch of the Legislature, You will be able to frustrate Measures, likely to prove so injurious to the Honor and Dignity of our most gracious Soveregne and his worthy Vicegerent, and in the End, so fatal to the Constitution of this Kingdom.*

Let these be scaned with the utmost Malignity, and I think all honest Hearts will clearly acquit me, of the most distant Intention to commit the Faults or *Inadvertencies*, which the Author by a palliative Exculpation seems to fasten upon me.

MY LORD, my Character is known to you all, and thank God! approved by all that dare be honest and free. I challenge my direst Foe to charge a single Instance of Flattery upon me, to Kings, or even to more mighty Ministers. You know my invaried Love and Loyalty to my King, and you know my declared Motives. Had I not had these, I should have scorned to prostitute the offered Incense.

A just Proportion of the Regard due to the Soveregne, I have ever been ready to pay to his Representative; unless the Conduct of the Substitute provoked me to say, with the insulted free Apostle, *God shall smite thee, thou whited Wall*; for I should not be provoked more than the holy Man, had I not the same Apology, might I not say, as he did, when rebuked, *Brethren, I wist not that he was God's high Priest*; because he stripped and degraded himself of the Power and Dignity of his Office, by commanding a free Citizen to be *smitten*, in open Court, contrary to Law, Justice, and Decency.

What good and worthy Vicegerent of the Crown, wanted my poor Applause? What bad and unworthy Lieutenant escaped my poor Censure? You see then, I have ever loved, respected and revered those great Officers of the Crown, or hated, despised and contemned them, according to their well proved Merit or Demerit.

My Conduct in private and in public Life, always did, and

and always shall, prove these Truths. Witness the different Treatments, by me given to the Lords CHESTERFIELD and *Harrington*, *Hallifax* and NORTHUMBERLAND. In all which, you know, I acted upon invariable Principles.

My Conduct in these Instances, will convince you, that I always have acted, as I always shall act, as a Person, who for himself, *has nothing to ask, and nothing to fear*, which must always keep me a free Agent.

To stand quite clear of all Suspicion of Adulation, I should have declined expressing my Sentiments of the present Lord Lieutenant, till the Expiration of his Office. But, as I am called upon, I must explane myself, in mine own Justification.

I could not have lived as long as I did in *London*, without being well acquainted with the Character of our present Viceroy. I confess, I honored and admired it, before I had the Honor of being known to him. And, when I petitioned his present Majesty, against his wicked Ministers and Judges in *Ireland*, I had the good Fortune to find myself, from the Justice of my Cause, patronised by this Great Good Man, who then knew no more of me, than my Character, and who did me the Honor to present me, and heared and saw me make my Complaint to the Royal Ear.

To him, I confess myself indebted for that Share of the Royal Clemency, with which I now stand distinguished. If my Return to my native Country, be grateful to my Countrymen and Fellow Citizens, the Obligation is due to the Lord HERTFORD, who, in spight to great and mighty Powers, made my Case known to our Patriot King, who embraces every Opportunity of testifying his parental Love for his faithful Subjects.

His Excellency has since deigned to confer Marks of his Favor on some of my Family. So that your Lordship and Honours see, that I stand under singular Obligations, for my Country, my Family and myself, to the Lord Lieutenant.

It may possibly be suspected, that from Principles of Gratitude for private Favors, I may have been blinded to, or prejudiced in Favor of the Great Man's public Conduct.

I hope my Character is too well known to fall under this Imputation.—I have never yet been able to pay my Devoirs in Person to his Excellency; consequently, I could never

never have ſayed what the Author pleaſed to ſay for me, *that I acquit him of Cloſetings and Squeezings*, and ſuch like *cuſtomary Arts*. Let *Placemen* and *Penſioners*, a Band in which I ſhall never inliſt, teſtify this. I hope every Man can. I hope, they are Arts, which no Lord Lieutenant will ever dare to practiſe on this virtuous Parlement, and I verily believe, the preſent Ruler deteſts ſuch Practices as much as I do.

In public and in private, I have thought myſelf bound to juſtify this great Character. Without having had any Intercourſe with him or his Miniſters, I ſaw many Proofs of his public Spirit, agreeable to the Hopes I had conceived from his general Character, and his being more intereſted than any of his Predeceſſors, in the Freedom and Happineſs of this Kingdom.

Theſe, I confeſs, gave me Confidence in his Excellency, and I gladly layed hold on two Inſtances that proved my Judgment; his Conduct, when an unaſked for, not to ſay unneceſſary, Vote or Act of Credit was offered, and when the Alteration in the Corn Bill came over. Here I confeſs my ſelf, in the onely Inſtances of my Life, under ſome Degree of what you may call Court Influence. For, this was ſuch a Conduct as raiſed him ſtill higher in myEſteem, and I did him the Juſtice to declare my Sentiments, as I alſo ſhould, and ſhall do, if his future Conduct ſhould poſſibly, as I hope it ſhall not, induce me to change my Sentiments.

What ſignifies our Author's Reproof for the *pretended Inadvertency?*—It is true, I never did, nor could intend to glance the moſt diſtant Reflection on the Character of his Excellency. But let it not by this be imagined, that I would not ſtand foremoſt in accuſing, in impeaching this honoured Benefactor and Friend of mine, regardleſs of all private Obligations, if it were poſſible, that in a ſingle Point of his public Conduct he ſhould act unworthy of his Principal, attempt to influence the Freedom of Parlement, or to incroach upon the Rights or Liberties of the Subject.

What our Author means by STATION-BAITING, and the *lower Claſs of our Fellow Citizens*, I am too inſenſible to conceive, and conſequently unable to anſwer. We know no Diſtinction of Citizens. But our Fellow Citizen, the Author, I fear, takes the Rabble for his Brethren; in which, ſurely he muſt be miſtaken.

I beg

I beg leave to goe a little further than the reverend *Homer* and our honored Author, and say, *that the Day which makes a Man a Slave, takes away,* NOT *half, but* ALL *his Worth.* A Slave in human Form, is in my Estimation worse than a Beast in any Form. I also confess, that the lawless Libertine forfeits his Clame and Titule to Liberty. — And that Licentiousness becomes the worst Kind of Tyranny.

Let the galled Jade wince, MY LORD, *Our Withers are unwrung.*—What means our Author, by recommending it to our Magistrates, to keep this *Bear of a Mob chained?* —What *Mob?* What *Bear,* MY LORD? Does the learned Gentleman mean the *military Savages,* that lately broke open our Gaol, and discharged the Criminals? —And yet were delivered up by the broken and abused Civil Power into the Hands of the *mock Military Tribunal,* unknown to our Laws?

O! No; It is the Mode to abuse the Citizens; to represent the loyal regular Corporations of this City, legally convened in their Halls, and performing lawful Deeds, as a rude, uncivilised, barbarous Mob. Yea more, a paltry, pensionary, Placeman, in an Office, the most expensive and burdensom to this Kingdom, and useful onely to the Incumbents, dares, under a Masque, to go still farther in Abuse, to call some of the best Subjects, the associated Tradesmen of this City, *Rats, Cats, Dogs,* and *Animals of inferior Note.* Are we to consider this, and calling them a *Mob,* a *Bear,* by our Author, as a new Method of paying Court? I can not suspect it. But suppose these as well as a leading Gentleman in the City, who owes his Rank and Honor to the Citizens, whom he now villifies and abuses in Return for their late generous, but misplaced Regards, have mistaken their Point and their Man, and hoped to gain further Favors, *Compensations,* for these infamous Slanders. But, I hope, we shall see them treated by their Masters, as every Gentleman must use such Servants of his, as abuse his honest Neighbours. The least we can expect, is to see these insolent Fellows, for the Sake of Justice and of Peace, cashiered with the Infamy they deserve.

What Sort of Compliment do these foolish Men pay Government, when they talk of Mobs to a Patriot Administration? Can they shew a single Instance, where the Citizens, or any of the most rude Rabble ever offered an Insult or a Slight, to a good Lord Lieutenant? I defy them.

And, as it is not to be presumed, that a Person of the Family and Character of our present Lord Lieutenant, could accept

A THIRD 2

ADDRESS

TO THE

Right Hon. the LORD MAYOR,
The BOARD of ALDERMEN, and the SHERIFS,
COMMONS, and CITIZENS of *DUBLIN.*

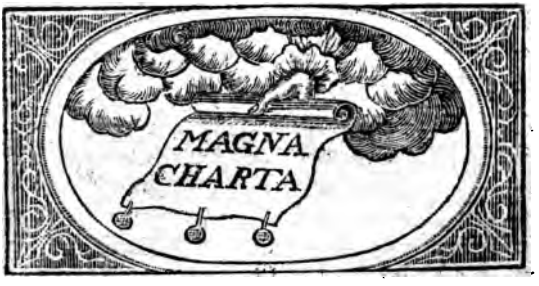
FROM

CHARLES LUCAS, M. D.

One of their REPRESENTATIVES in PARLEMENT.

RELATIVE

To the late PROCEDINGS of the BOARD
And the COMMONS.
With an APPENDIX.



Manus haec inimica Tyrannis, Lege *petit placidam sub* Libertate QUIETEM.

DUBLIN:
Printed by ALEX. M'CULLOH, in *Henry-street*, 1766.

A THIRD

ADDRESS

To the Right Honorable the LORD-MAYOR, the Board of ALDERMEN, &c.

MY LORD MAYOR,

AS I have found myself under the Necessity of addressing the Body of my Constituents through Your LORDSHIP, as Head of this great Community; Necessity, not Choice, obliges me again to take the like Liberty; and since this is one of the many Troubles, incident to Your High Office, I hope for Your LORDSHIP's Indulgence.

Heretofore, I have called upon your LORDSHIP and the whole Body of the Electors; But now, I confine myself to the General Assembly of the City, at whose Head Your LORDSHIP is so deservedly placed. Though for the most Part of this Address, I am to consider you onely as President, or Chairman of the Board of Aldermen.

From my Course of Life, distinguished onely by the *painful Pre-eminence of superior Toils, and an heavier Weight of Care*, and from my broken State of Health, to say nothing of a Multitude of different Avocations, you may judge, I should wish to be excused from taking up the Pen again, in City Disputes. But since it has been my unpleasing Fate, once more to be made the Subject of your Debates, and that Your LORDSHIP and the BOARD of ALDERMEN,

with very little Concern for my Honor, and with still less for that of the Commons and Citizens, have thought fit to publish your great and important Transactions; I hope I shall be indulged in justifying myself, as well as the Commons and Citizens, from the dangerous and unwarrantable Insinuations, couched in these ambiguous Law-blackening Inuendoes, with which your Board has at once amused and indeed abused the Sheriffs and Commons, whose Candor and Honor has been wounded through my inoffensive Sides.

My Lord, You must give me Leave to call to your Rememberance my public and private Conduct to the Chief and Subordinate Magistrates of this Capital, since the City honored me with a Seat in Parlement. I challenge the Whole and every Individual of You, to point out a single Instance of my offering one of you, the most distant Slight, or a single Instance of my with-holding due and proper Respect. I also call upon You to attest, Whether or not I have used every Means within my Power to remove the too-well-founded Jealousies between the Commons and You, and to restore Peace and Concord among all Ranks in the City. And whether I have or have not opposed my utmost Weight against all Tendencies to factious or seditious Dispositions amongst you. I challenge you to shew a Man, who has gone further in those social Offices than I.

I further call upon your Lordship and the Board, to declare my Conduct to, and Sentiments of, your Recorder, as well as a Gentleman, as in respect to the Office with which he is honored by the City; and whether I have or have not gone further than any Gentleman at the Board has done, in a fair open Way, to promote his obtaining a second Augmentation of his Salary. I appele particularly to my Letter from *Bath* to Alderman *Geale*, your late Lord Mayor, which, for Reasons best known at the Board, was not communicated as intended and desired, to the

Sheriffs,

Sheriffs, Commons, or Citizens. See Appendix, No. I. And ſure, You will allow me to have been diſintereſted in all this, when You muſt be ſenſible, that the RECORDER and I have hardly ever moved or voted together on the ſame Side of any Queſtion, in the City or in Parlement.

If then, My Lord, my private Conduct towards this Gentleman, as well as to every Member of the Board, was not onely peaceful and civil, but reſpectful and friendly; if while I was a Common Council Man as well as your Repreſentative in Parlement, I would not go out of the Kingdom, even for my Health without applying for Leave from my Conſtituents, as my Letter to Mr. Alderman *Forbes*, when Lord Mayor, can teſtify; See Appendix, No. II. and if my political Conduct ſtands clear of Reproach with you all; which is as much as can be expected from your Judgement, however tried and proved it may be found in the Eyes of the reſt of the City; Is it conſiſtent with Juſtice, with Equity, Common Senſe, or common Decency, though every Impulſe of Gratitude were ſilenced, to miſrepreſent, abuſe and vilify a Man, whoſe ſole Crime is, perhaps too fervent a Zele for the Honor and Service of this City and Kingdom?

I would not however, be thought to decline acknowledging many Obligations to this my late Friend, the RECORDER. And I ſhould omit doing the Juſtice, I intend, did I not acknowledge, notwithſtanding an irreconcileable Difference of Opinion, in City and Parlementary Matters, a ſincere Friendſhip and Eſteem for this Gentleman and his Family; Regards, which I had Reaſon to hope were mutual, and which, as we became better acquainted with each other, upon my late Return to this Kingdom, would have become more ſtrongly cemented.

But, as theſe Obligations were confered on me, in my private Capacity, in which alone I could be ſuppoſed capable of offering a Return, and as no pri*vate Conſideration has*, or ever ſhall biaſs me in

discharging the Duties of my public Character; I neither did, nor could give up my Judgement in my political Capacity, even when I differed from my Friend, the RECORDER.

Few Occasions of shewing the Difference of our Sentiments offered, since the Friendship which seemed to have subsisted between us, soon after my Return to this Kingdom.

But however, I might have esteemed my Friend and Collegue, my Love and Duty to my City and my Country must ever supersede all partial Attachment. And where those became the Objects of our opposite Debates, it was impossible, my private Obligations and Regards should, in any Degree, influence my public Conduct.

True it is, we have always taken different Sides in every public Question. I shall not touch upon our respective Conducts in Parlement; let that of each speak for itself. I shall onely observe, that so sure were we always of taking the opposite Sides of every public Question, that when I moved for a particular Mark of Parlementary Favor for the City, the chief Opposition it met, after one Resolution preparatory to the Purpose was carried and still stands upon the Journals, *nemine contradicente*, was from the RECORDER.

When a Petition was presented to the late Assembly, complaining of many illicit and scandalous Practices in the Return of the Numbers for the Gild of Merchants; a new Fund for Contests, however unequal, between the RECORDER and me, was raised. I was of Opinion, and still am, from the Words of the Statute, that the Assembly had a Right to examine and finally to determine the Matter in Complaint. I judged it fit to procede to Judgement, that such respectable Persons, as your LORDSHIP and the Board, should not lye one Moment under the slightest Suspicion of the Obloquy, cast upon You by the Petitioner. Every Consideration raised my Solicitude to bring this Matter to Judgement;

First,

First, that the Gild may have proper, free Representatives; Secondly, that the Board may be acquitted, if innocent, as I then presumed, of the charged Guilt, or brought to condign Punishment, and Shame, if guilty; and Thirdly, that if the Petitioner could not prove the Allegations of his Petition, he might be punished, for casting false and scandalous Aspersions on the Magistrates.

But, in none of these Points, could I obtain the Honor or Satisfaction of the Concurrence of the RECORDER; in any Degree: For, though the Words of the Statute, expresly provide that the Common Council are impowered, finally to determine and adjust all Differences, and Doubts, touching the Qualification, Election, Nomination, Return, and Appointment of the several Representatives of the different Gilds, *&c.* as also the Disqualification and Undue Return of the Members, *&c.* Yet did Mr. RECORDER, unasked, solemnly pronounce it as Law, that the Assembly of Lord-Mayor, Aldermen, Sheriffs and Commons had no Jurisdiction in this Case.

Upon this, the Complainant withdrew his Petition, very prudently. And then Mr. RECORDER advised him to procede; which he justly declining, the Assembly proceded to Censure him, and ordered the Procedings to be published though against my Judgement, for the Honor of both the Assembly and the RECORDER.

In every Step of these Transactions, I did and still do presume to differ from the RECORDER. I then did, as I now do assert, that if the Board of Aldermen may, with Impunity and without Controll, give Lists of the Members to be elected, to the several Corporations, and by Force, Fraud, or sinister Influence, such as were charged in that Petition, procure their Nomination and Return, for it cannot be called Election; that the several Corporations are now left in a worse Situation, than they were before the Act passed, when the Lord Mayor and Board, could

take

take but half the Number appointed by the Corporation, and now, they may nominate and get, not half, but the whole of their own Nomination returned. Who then is to be blamed for this, if the Act be actually, as it is ſayed to be, defective? And how conſiſtent was it with the Honor and Dignity of the Board to be thus ſkreened?

Another very material Point, in which I found myſelf then of a different Opinion from the RECORDER, is, that of his aſſuming, what I ſuppoſe he clames as his Right at the Board, a deliberative, if not a dictatorial, Voice in the Aſſembly. I then did, as I ſtill do inſiſt upon it, that however learned and great the RECORDER may be, he is but a Servant of the City, and no Member of either Part of the Aſſembly. Conſequently, every Member of the Aſſembly, in Council, is the RECORDER's Superior. Therefore, inſtead of making Motions, debating upon Motions, Petitions or Queſtions, or giving Anſwers or Replies to the Members; it is the Duty of the RECORDER to be ſilent at the Board and in the Aſſembly, as Judges, who are not Peers, muſt be in the Houſe of Lords, till conſulted upon Forms or Points or Matters of Law. This Doctrine, I know, is new to the RECORDER. But he muſt confeſs it is true and juſt.

In all theſe, MY LORD, I have judged it incumbent upon me to differ from Mr. RECORDER. I introduce the Inſtances here, rather to ſum up the Accuſations that he can bring againſt me, than to offer any againſt him.

And now, MY LORD, I would aſk, in what I have hurt my quondam Friend, or how have I provoked him to the Wrath and Indignation, which he has ſince ſo liberally poured out upon me, and upon all the Corporations that have diſtinguiſhed me with Marks of their Favor? He cannot ſuppoſe ſuch and ſo many Bodies of Citizens, under undue Influence. *Or, if he can,* he ſurely can have no Right to ſuppoſe *me capable,* if I were able, to uſe ſuch an Influence.

H-

He cannot suppose, that I was the Cause of his being overlooked by the Corporations. That Cause, he must look for elsewhere.

If Mr. RECORDER apprehended me in the Wrong, or the Corporations of the City running into unjustifiable Measures; for they were his Friends as well as I; it would have been but prudent and humane to expostulate with us, before Violence and Indignation, unprovoked, were offered to either. Yet, without friendly Expostulation, kind Reproof or just Notice of our Offences, have the Dregs of the Cup of his Wrath been poured out upon all our Heads; and we are branded as Incendiaries, Rioters, lawless Rabble, &c. &c. and to suffer the Pains and Penalties of *flying in the Face of Government! Hard Words and Hanging* were too much from *Page*. Surely, we are to expect better Treatment from one, who, we are persuaded, knows, and knowing, ought to fulfil, all the other Duties of Life.

You will then, MY LORD, indulge me in drawing some few just Conclusions from these Premises—You will give me leave then, without any Violence to presume, that if the Commons and Citizens had agreed to give Mr. RECORDER the second, as they gave the first, Augmentation of his Salary; that is, if, after they had justly made the Salary of the Office twice as much as it was in the Hands of any of the great Men his Predecessors, even *Foster*, *Rogerson*, *Howard*, or *Stannard*; if they had last Year added, as was petitioned for, about two thirds more; to which, You all know, I heartily concurred, for the Reasons assigned in my Letter to your late Lord Mayor; if the RECORDER had been included in the Addresses of Thanks and Approbation, lately made by the Corporations and the Commons of the City, to a Person of inferior Note; which he probably would have been, had not Care been taken to make his Tenure of the Office, different from that, with which he received it; we should probably have heared of no *paltry*

 little

little Assembly of illiterate, ignorant and mean Men, raising Riots, and Tumults, and flying in the Face of Government; we should probably have heared of *no Circumstances, forming* critical *Conjunctures of such certain Notoriety, as to mark out the Motives of certain Applications, in certain Times*; possibly, we should have heared of *no Negative*, and positively have received no Abuse or Insolence from the Board. It is more than probable, that all would then have been represented, as in Fact they were, in Peace, Harmony, Love, Loyalty, with perfect Deference and profound Respect to Government; and these Addressers would have been in as high Veneration, as the dissenting and condemning Board is now held.

My Lord, instead of lessening the Value of my late Friend, I always, as you all know, rated it highly. I always did, now do, and always shall, wish every Increase to his Honor and his Fortune, that he can enjoy. I never was tainted with the Vice of Envy. And sure, the Recorder must be presumed, as far above that Vice as any Man. Yet I fear we are born to differ eternally.

I have seen him long unenvied, in full Possession of the Confidence, Affection and Applause of Men in Power, of your Lordship and Worships, all great and honorable Men. These were Honors, which I never had the Ambition, even to look for, nor have I ever had the smallest Share of them, knowingly. He may for ever enjoy them undiminished, unwished for, by me.

May I not then, My Lord, be reasonably allowed, unenvied, and unmolested, humbly to enjoy some Share of the Confidence and Affection of the Citizens, and to gain their honest Applause to my earnest, honest Endeavors to serve them?——Why should this offend my late Friend?

Besides, My Lord, though I looked for no Share of the Honors or Emoluments, which my late Friend so well deserved from the Great; He knows, as

You

You all do, that I was ever ready, ever desirous to share with him, all the Favors that ever could acrue to me from the Gilds, as well as from the great Corporation of this City. You all can testify for me, that I was solicitous for his obtaining, what I never did or could look for, or think of, for myself, a Stipend. And sure, You and He must know, that I could in no Sort be instrumental to his missing of either.—How just is it then, by way of *keeping Peace, Harmony and good Order in the City*, to quarrel with me, and to malign and vilify the Corporations, even in the *Placarts* from your Board, I submit to his and your cooler Reflections.

Yet, regardless of all just, equitable, peaceful, and honorable Considerations, regardless of your boasted *Love of Peace, Harmony, and good Order*, have the Members of your Board, at which I must presume the RECORDER takes the Lead, if he does not preside, attempted to stab and wound my Character, with Government, as well as with my Constituents, and that in dark, disguised and ambiguous Sentences, as the most fit to promulge the Oracles of your sage Councils, and such as could lest admit of any Exposition or Answer.

But, before I come to expose the Mysteries of your dark and doubtful Oracles, I must beg Leave to state the Conduct of the Board towards me, before those Oracles were promulged.

When I first apprehended the Rights of the Subjects essentially invaded; more attentive to the Peace and Good of the Public, than to my own, I apprised my Constituents of the Innovation, with the just Intentions, expressed in my first Address.

This no sooner got abroad, than the loyal Citizens of *Dublin*, touched with those Intentions, were induced in most of the Corporations of the City, to express their Regard and Gratitude to a willing, faithful, though unprofitable Servant of the Public; while *the Gentlemen* at the Board, and all their

Creatu-

Creatures and Dependents, set themselves in Opposition to the Measure.

No Argument, that cunning Artifice could suggest, was left untried. Then, private Considerations were urged: Such as hurting their Families, by disobliging *Great Men*. And upon all these proving Light in the Balance, with public spirited Citizens, the Name and *Weight of Power* was abused to terrify honest Men from honest Purposes. It was then assiduously advanced, that it was unlawful, and therefore dangerous, for the Corporations to countenance their common Friend and Representative; because, as was strongly alleged, he was unfortunately *obnoxious to Men in Power*. In vane, were his public Spirit and the Rectitude of his Intentions, and Conduct pleaded; it being asserted, that he was immediately to fall a Victim to Power incensed, no Matter whether right or wrong; and that it was no better than Madness and Distraction to adhere to, or attempt to support, the Man, however innocent, whose Fall was determined upon by the Great.

When Artifices like these failed of the desired Effect, more powerful were meditated. And the great Effort against Addresses of Thanks was reserved for the quarterly Meeting of TRINITY GILD.

Against the Meeting of this Great Corporation, all the Engines were set to work; nothing was talked of but the Riots, Tumults and actual Insurrections, raised or sayed to be raised by me. And, that some Pretence might be made for this Report, a pitiful, insignificant Rabble were stirred up, perhaps hired, by *Some-body*, to post up seditious Papers and beat a Drum through the City. Of this, Notice was given to Men in Power, particularly to our very vigilant and active chief Magistrate, and your LORDSHIP fell in with this pitiful mock Mob; yet, however inconsiderable they were, and however powerful and active your Lordship, not one of them were brought to Justice or even taken. And upon

no better an Handle than this, are all the Corporations of this City, who countenanced me, pointed out as a *lawless Rabble*, a *tumultuous Mob*, *flying in the Face of Government!*

This Scheme was, by *somebody*, so very well layed, that in full Assurance of the desired Success, another History of another Insurrection in *Dublin*, in which the Members of both Houses of Parlement were sayed to be insulted and assaulted, and forced to take unlawful Oaths, to unlawful Tumults, was carefully transmitted to *London*, and inserted in the public Papers; while I was pointed out as one devoted to actual Destruction, to Expulsion and Prosecution. Yea, that I was actually committed to *Newgate*.

Though there was not a Syllable of all this true, yet it was used as an Handle to discourage Men from voting an Address of Thanks to me. And now, all the loyal Corporations, who had addressed, were positively sayed to have incurred severe Penalties, by their taking public Notice of me. Their lawful, peaceful and necessary Assemblies were declared to be lawless Riots and Tumults; their loyal and benevolent Addresses were construed into *Libels* on, and *Insults* to, the *Higher Powers*; and the Freemen deserved no less Punishment, than the Law imposed upon those who *flew in the Face of Government*; for such was the Crime, of giving a grateful Testimony of the Integrity of my Conduct and Intentions, construed. And as most of the INFERIOR CORPORATIONS, as they are called, were thus pronounced guilty, and exposed to the dreadful Punishments incurred by the newly-made, heinous Crimes of Gratitude with Loyalty; it was but prudent and just to prevent the GREAT GILD's falling into the same Predicament.

Every Man knows what Pains were taken with every Member of that Gild, that might be spoke to upon such a *Subject*. For, the Gentlemen of the Board

and their Creatures and Dependents uſed every Art to obſtruct their addreſſing a Man, who was declared to have had already involved himſelf and ſeveral of the junior Corporations, in nothing leſs than Deſtruction.

My Lord, give me leave to aſk, was this conſiſtent with the cool, calm, candid and peaceful Diſpoſition, which becomes wiſe and prudent Magiſtrates? Is this the Method of preventing and quelling, or of ſomenting and raiſing, Riots in the City? Is it juſt to alarm Government with the falſe Notions of Diſloyalty and Diſaffection, thus injuriouſly charged upon the Citizens? Is it lawful, is it decent, or reſpectful to Government, to offend it's Ears with falſe Reports, diſhonorable and injurious to the Citizens? Or, to attempt to proſtitute the ſacred Name of Government, to cover ſuch ſhameful and deſpicable Arts as theſe? Is it the better to gain Credit to theſe ſcandalous Reports, that Magiſtrates, with their Attendants have made a Parade about a certain auguſt Aſſembly, that ſtands not in need of ſuch or any Protectors? Is this the Method of preſerving Peace? or of driving Men by falſe Alarms, by injurious Reports and groſs Abuſe, into Anger, Intemperance, and a Breach of the Peace?—At whoſe Door does all this lye?—Let others anſwer; your Lordſhip, as far as I can learn, ſtands clear of Suſpicion: For, out of the Board and the Sight of the RECORDER, my Conduct was not Criminal in your Sight.

Theſe Matters call to my Mind, Times, Circumſtances and Men, which, in Charity, I ſhould chooſe to let rot in Oblivion. It was expected, as it was aſſiduouſly reported, that I ſhould incur the Diſpleaſure of Men in Power, and be made to feel the Weight of that Power, as I had done under a former Adminiſtration. The Emiſſaries of the Board were rather more active to get me condemned now, than in Lord *Harrington*'s Time. And hoped, *inſtead of* my obtaining new Marks of the Love of

my Fellow Citizens, to have the Pleasure of *Disfranchising* me now, as they did then, without the left Color or Pretence of Law, to comply with the illicit Measures and Desires of an infamous Administration.

The Injustice and Cruelty of the Procedings of the Court, the House of Commons and the Board of Aldermen, in those Days, have since sufficiently appeared to the Crown and the Subject. And the particular Illegality of the pretended *Disfranchisement* appears by it's being reversed upon a bare Motion, by a *Mandamus* from the King's-Bench.

Thus my Enemies in attempting to brand me with Infamy, have but recorded their own: For, to use the Words of a wise, learned and right-honorable British Legislator, *Real Infamy is a Punishment that can be inflicted by nothing but the Justice of the Sentence; for when a Court or Assembly decrees that to be a Crime, which is really a* Virtue, *or finds, a Man guilty, who to the World appears to be innocent, the Infamy recoils upon the* Judges, *and their Sentence does* Honor *to the Person* condemned.

But to shew from what Quarter these *Riots* and *Rumors* of *Riots* have arisen, I need but transcribe that curious Part of the Journals of the Board, which grunts out the heavy, dull, sullen and ambiguous Murmur. I hope it will be no Breach of your Privileges, to republish it in a Paper, which is not licensed by your Authority. Take a Review of it then, as it appears in one of your authorised Papers; interposing onely for Regularity, those Petitions, which the Board seems as willing to suppress as to reject.

PRO-

INGS of the Lord-Mayor and Board of
n, at a General Assembly held at the
of the City of Dublin, on Friday the 17th
January, 1766.

PRESENT,

Hon. Sir *JAMES TAYLOR* Lord Mayor,

Benjamin Geale	Sir *Timothy Allen*
Robert King	Alderman *Peter Barre*
Thomas Cooke	Alderman *William Forbes*
John Cooke	Alderman *Fran. Fetherston*
Hans Bailie	Alderman *Benja. Barton*
Percival Hunt	Sir *Thomas Blackhall*
Phil. Crampton	Alderman *Mathew Bailie*
John Tew	Alderman *George Reynolds*
Hamilton	Alderman *Francis Booker.*

ITION of certain of the Commons, pray-
for the Reasons therein mentioned, that
Stipend of Three Hundred and Sixty-five
uld be granted to Doctor *Charles Lucas*,
en presented to the Assembly, and unani-
ected by the said Lord Mayor and Board of
; a Message in Writing was sent by the Sher-
mmons, in the following Words;

LVED, that a Message be sent to the Lord
and Board of Aldermen, requesting them
ir with and pass a Petition of certain of the
ns presented this Assembly, for rewarding
it and Services of Doctor Lucas, one of
presentatives of this City in Parliament,
public Testimony of the City's Approbati-
is Conduct, by granting him an annual
"

ch Message the Lord Mayor and Board of
, returned an Answer in Writing in the
Words. " The Lord Mayor and Board of
ien, having taken into Consideration a Pe-
of certain of the Commons, praying an
Stipend of Three Hundred and Sixty-five
" Pounds

"Pounds, to be paid during the City's Pleasure, to "Doctor *Charles Lucas*, one of their Representa- "tives in Parliament; have judged it inexpedient "to give any Countenance to the said Petition, as "the Circumstances which form the present Con- "juncture, are of too much Notoriety to leave "Room to doubt of the Motive of such an Appli- "cation made at this Time. And therefore "the Lord Mayor and Board of Aldermen, howev- "er ready upon all proper Occasions, as far as their "Weight and Power may extend, to give every "constitutional Opposition to any Measure really in- "jurious to this Country; yet as the Magistrates of "this City, and desirous of preserving the Peace, "Harmony and good Order thereof, do think them- "selves bound to discountenance Alarms which † "may disturb the Minds of well intending Citizens, "and therefore have unanimously rejected the said "Petition."

The REJECTED PETITION.

To the Right Hon. the LORD MAYOR, SHERIFFS, COMMONS, and CITIZENS of the City of DUBLIN.

The humble PETITION of certain of the COMMONS.

SHEWETH,

THAT the Members of the House of Commons are the chosen Delegates, or Representatives of the People of this Kingdom.

THAT from the Institution of Parliaments, the Constituents were bound to provide an honourable Support for their Representatives in Parliament, which may be by Law, levied upon every County, City and Borough in this Kingdom, at this Day,

C un-

† "*However groundless.*" *These Words in the Hurry of the Business of the Day were omitted by Mistake, in the transcribing.*

under the Head of Wages, and which were always demanded and levied till the Members thought fit to change their Measures, in the memorable Reign of *Charles* the Second, when they gave up their Connection with, as they did their Dependance upon their Constituents.

THAT it is the indisputable Duty of every Body of Constituents to distinguish such of their Representatives, as have lived up to the Principles of the Institution, and fulfilled their Compact with their Electors, by Care and Vigilance, Pains and Fidelity, in the Service of their Country, with Marks of their Regard, proportioned to their Merit.

THAT it now plainly appears to this City and the whole Kingdom, that *Charles Lucas*, Doctor of Physick, one of the Representatives of this City in Parliament, has since he has been appointed to that Trust, devoted his whole Time to the Discharge of the Duties of his Station, with remarkable Vigilance, Zeal and Fortitude, and the strictest Attention to the Honour and true Interest of the Crown and the Subject, regardless of all private Views.

MAY it therefore please your Lordship and Honours to set an Example to the other Cities and Free Boroughs, as well as Counties of this Kingdom, in distinguishing the Merit and faithful Service of your Representative, by granting the said *Charles Lucas*, Doctor of Physick, an annual Stipend of Three Hundred and Sixty Five Pounds by the Year, during the City's Pleasure.

And your Petitioners will pray.

AND a Petition of certain of the Commons, having been likewise presented to the Assembly, praying that the Freedom of the Corporation of this City should be granted to *Henry Flood*, Esq; and several Matters having been therein set forth as Reasons for *granting the* same, the Lord Mayor and Board of *Aldermen*, unanimously agreed to the granting of

the

the ſaid Freedom, by their Order conceived in the following Words, " Granted, Gratis, on the parti-" cular and only Conſideration of his excellent Cha-" racter, and diſtinguiſhed Abilities." Which Petition and Order having been ſent by them to the Sheriffs and Commons, they, the Sheriffs and Commons, ſent to the Lord Mayor and Board of Aldermen a Meſſage in Writing in the following Words.

" THE Sheriffs and Commons requeſt that the " Order on Mr. *Flood* be varied, and the following " ſubſtituted in its Place.

" GRANTED according to the Prayer of the Petition Gratis." To which the Lord Mayor and Board of Aldermen returned an Anſwer in Writing in the following Words; " The Lord Mayor and " Board of Aldermen have unanimouſly agreed to " make no Alteration in the Order already made by " them, for the Admiſſion of *Henry Flood*, Eſq; to " the Freedom of this City, being perſuaded that " the Terms in which the ſaid Order was conceived, " convey, as was intended by them, the higheſt " Compliment that could be made to that reſpect-" able Perſonage."

The SUBSTANCE of the PETITION GRANTED in PART.

A PETITION, praying, " That the Freedom " of the City of Dublin, be preſented to HEN-" RY FLOOD, Eſq; for his ſteady Attention " to the juſt Prerogative of the Crown, the Rights " and Liberties of the Subject, the Honour and " Dignity of the Parliament in this Kingdom, and " the Trade and Welfare of this antient and moſt " loyal Metropolis, and above all, for his having on " a late important Occaſion, exerted the utmoſt Force " of Eloquence and Argument, in the maintaining our " moſt gracious Sovereign's ſole and undoubted Right " of exerciſing, as King of Ireland, the executive

" Power

" Power conſtitutionally lodged in his Majeſty's
" Hands, by his Vicegerents and Privy Council of
" this Realm, without conſulting or adviſing with
" his Privy Council of Great Britain."

A PETITION of certain of the Commons having alſo been preſented to the Aſſembly, praying, that Inſtructions ſhould be given by them to their Repreſentatives in Parliament, to uſe their utmoſt Endeavours to have the Heads of a Bill brought into the Hon. Houſe of Commons, to limit the Duration of Parliaments, paſſed into a Law, and ſeveral Matters having been therein ſet forth as Reaſons for agreeing thereto; before the ſaid Lord Mayor and Board of Aldermen had in the Courſe of their Buſineſs, either conſidered or read the ſame, the following Meſſage in Writing was ſent to them by the Sheriffs and Commons.

" RESOLVED, That a Meſſage be ſent to the
" Lord Mayor and Board of Aldermen, that they
" will be pleaſed to ſend to the Sheriffs and Com-
" mons, the Petition that appears (by the Abſtract
" of Buſineſs) to have been lodged in the Name of
" certain of the Commons, praying, that the As-
" ſembly might inſtruct the Repreſentatives of this
" City in Parliament, to uſe their utmoſt Endeavours
" to have the Heads of a Bill brought into the Ho-
" nourable Houſe of Commons, to limit the Dura-
" tion of Parliaments, paſſed into a Law."

UPON the Receipt of which Meſſage, the Lord Mayor and Board of Aldermen, having read the ſaid Petition, and taken the ſame into Conſideration, did unanimouſly agree to reject it; and did return to the Meſſage of the Sheriffs and Commons an Anſwer in Writing, in the following Words, " Altho' the
" Lord Mayor and Board of Aldermen are unani-
" mouſly of Opinion, that a Law for limiting the
" Du-

" Duration of Parliaments, with * proper and ne-
" ceſſary Proviſions, would be uſeful; yet the Terms
" in which the Petition for that Purpoſe, in the Name
" of certain of the Commons, lodged in the Thol-
" ſel Office, are conceived, appear to them ſo ex-
" ceptionable, and the preſent Time for their mak-
" ing ſuch an Application ſeeming to them, from
" many Circumſtances, ſo improper; they have
" thought fit unanimouſly to reject the ſaid Petition."

The PETITION for the INSTRUCTIONS REJECTED.

To the Right Hon. the LORD MAYOR, SHERIFFS, COMMONS, and CITIZENS of the City of DUBLIN.

The humble PETITION of certain of the COMMONS, Sheweth,

" THAT by the Laws and Conſtitution of this
" Kingdom, new Parliaments ought to be frequently
" called and held, as may fully appear by the Sta-
" tutes of the 4th and 36th of EDWARD the Third,
" which by an Act paſſed in the Parliament of this
" Kingdom the 10th of King Henry the Seventh,
" Chap. 21ſt. are in full Force in Ireland, as well
" as in England.

" That a ſtanding or unlimitted Parliament is di-
" rectly contrary to the Laws and Conſtitution of
" this Country, tends to diſcourage the Proteſtant
" Religion, and to the Subverſion of the Freedom
" and Rights of the People.

" That it is the undoubted Right and Privilege of
" the Conſtituents to inſtruct their Repreſentatives
" in Parliament.

" May it therefore pleaſe your Lordſhip and Ho-
" nours, to inſtruct the Repreſentatives of the
" City

* *The Lord Mayor and Board of Aldermen, by the Words* proper and neceſſary Proviſions, *deſire to be underſtood to mean ſuch Proviſions as may be proper and neceſſary for ſecuring the conſtitutional Independency of the Houſe of Commons.*

" City upon these Heads, and to require of them,
" as they tender the Honour and Interest of the
" Crown and the Subject, and the Affection and
" Esteem of their Constituents, that they will use
" their utmost Means to procure a Law for limitting
" the Duration of this, and all future Parliaments
" upon the same Plan with that in Great Britain.
" And they will Pray."

AND, it being passed the Hour of seven at Night before the aforesaid Matters could be settled, a Message was sent by the Sheriffs and Commons, to the Lord Mayor and Board of Aldermen, in order to have their Concurrence in two several Resolutions, delivered in Writing, in the following Words.

" RESOLVED, That it is the Opinion of this
" House, that the Quarterly Business of this City
" cannot be finished in one Day, with the Care
" and Attention necessary to avoid Irregularity and
" Mistakes.

" RESOLVED, That a Message be sent to the
" Lord Mayor and Board of Aldermen, acquainting
" them with the foregoing Resolution, and request-
" ing that this Assembly be adjourned to a further
" Day.

To which the Lord Mayor and Board of Aldermen sent in Writing the following Answer.

" THE Lord Mayor and Board of Aldermen do
" not think proper to agree to a General Resoluti-
" on for the Adjournment of the Quarterly Assembly,
" but, on Account of the several Matters of Conse-
" quence still remaining unfinished at this late
" Hour of the Night, think it expedient to concur
" with the Sheriffs and Commons in the Adjourn-
" ment of this Assembly to a future Day, to be
" named by the Right Honourable the Lord Mayor,
" in order to finish and compleat the Business left
" undone of this Day."

Signed by Order of the Lord Mayor and Board of Aldermen. HENRY GONNE, Town Clerk.

NOW, My Lord, upon any other Occasion, I should think it unfortunate to become the Subject of the Debate of Men, who seem not to know me well enough to be competent Judges.

Among the manyfold Crimes, with which you seem solicitous to brand me, if you know any thing of me, You must know, that it is not in the Power of Tyranny or Adversity to make me servile or Mercenary. To me, Opulence has not those Charms, nor honest Poverty those Terrors, which Men of your Cast may imagine. Rather than become rich as *Cresus*, by base Arts, I should contentedly suffer the Fate of *Bellisarius*, who had his well earned Fortunes and Honors wrested from him, his Eyes put out, and left the onely sad Privilege of begging for Alms, at the Gates of that City, which his Virtues once adorned, and his Valor established and defended.

I no more thought of a pecuniary Consideration from the City, than I could think of raising the falsely insinuated Insurrection. The Thoughts of either were and are as remote from my Heart, as Truth and Honesty from those who devised the foul Slander.

Yet however contemptible, however despicable Money may be in my Estimation; any Thing granted or intended by the Assembly of this City, or the Representative Part of it, must, I confess, be pretious in my Sight, from the Motives from whence it was offered.

And I have the Satisfaction of finding, that my Heart exults as much upon the virtuous and spirited Attachment of the Commons, as if their kind Intentions and Offers came ratified with the Grant of the Board. The former are the Representatives of my Constituents, the proper Judges of my Conduct and Character, the proper Guardians of the Estate and of the Honor and Dignity of the City. They, it seems, judged my Endeavors deserved that Mo-

of their Approbation. And had their Intentions ſucceded, the Stipend would have been one of the very few, who reflect no Diſhonor on thoſe who grant, or thoſe who receive them. I beg Leave to ſay, that nothing could have made the Honor doubtful, but the Concurrence of Men capable of uttering or entertaining ſuch Sentiments of the Commons and Citizens in general, of me in particular, as appear in theſe Procedings of the Board. For, to ſpeak a Truth, though my Enemies may call it Vanity, what Honor can Men confer, who ſo long denied PITT and PRATT the Freedom of this City, repetedly offered by the Sherifs and Commons? And who would not rather be ranked with the truly great Men thus rejected, than to be inrolled among the undeſerving Favorites of the Undiſcerning?

Had your LORDSHIP and the Board honored me with your Negative alone, I could never have been abſurd enough to have diſputed it: Upon the preſent miſtaken Conſtitution of this City, which You know, I have complained of for upwards of twenty Years; You have a Negative upon the Procedings of the Commons, as they have upon yours. And your ſilent Negative would rather have done me an Honor than an Injury.

But, when You take upon you to aſſign Reaſons for your Conduct, and in theſe pretended Reaſons, offer Violence and Inſolence, as well as Reproach and Calumny to the Sheriffs, Commons, and Citizens, as well as to me; Silence would become in me a Breach of the Duty and Reſpect I owe my Conſtituents, and the Juſtice due to mine own Character. And ſince it has pleaſed You, upon very wiſe and great Advice, no doubt, to throw the Gauntlet, however unequal to the Taſk, I think it my Duty to take it up.

Give me Leave then, to obſerve, MY LORD, *that all* Conferences and Meſſages between both the *Parts of the Aſſembly* of this City, as between both

Houſes

Houses of Parliament, should be quite clear of all Innendoes, doubtful and ambiguous Hints and Suspicions; and should be as open, perspicuous, clear and plane, as Words may possibly express them.

If either Part of the Assembly be bound to explane it's Procedings and the Motives thereof, to the other, it should certainly be done in these Terms; it can admit of none other.

Your LORDSHIP, during these Procedings, was but President or Chairman, and as such, I address You; for you could not, if you would, prevent the boasted *Unanimity* of the Board. You then first, as you had a Right, did *unanimously reject* the Petition of certain of the Commons. But let me ask your LORDSHIP, by what Authority from Law, Justice, Regularity, good Sense or Decorum, can the Board be dark, doubtful, and ambiguous in their Answer, and in an indirect Manner, abuse the Sherifs, Commons and Citizens, as well as me? — Yet all this, You have thought fit to do; but with what Regard to Law, Justice, Regularity, Truth or Decency, or to your pretended *Love of Peace, Harmony and good Order*, I submit to the cool Reflection of the irritated and disappointed Sages at the Board, and their learned Adviser.

You say, you *have judged it inexpedient to give any Countenance to the said Petition, as the Circumstances which form the present Conjuncture, are of too much* Notoriety, *to leave Room to doubt of the Motive of such an Application at this Time.*

Now, MY LORD, I must beg Leave to observe, that the *Notorious, conjuncture-forming Circumstances of the present Times*, ought to be openly declared, that *no Room for Doubt* should be left on one Side, more than on the other. And though the whole Board may be fed, even crammed with these cramp Quiddities, mischief-lurking Law Inuendos; You have no Right to throw out the Overloadings of *fouled Stomachs, upon the* innocent and as yet clean-

ly Commons and Citizens, more than upon me. They, it ſeems, in their Petition and Meſſage, have openly and freely declared the Motives for the Application, in Times of univerſal Peace, Harmony, Love and Loyalty. I muſt ſay, that you were bound in Duty, as Lovers and Promoters of Peace, Concord and Order, when you anſwered with a Negative, to ſhew, that the Motives of the Commons were unjuſt; that the Allegations of their Petition were falſe, the Object unworthy, and the Prayer incongruous or unreaſonable. Then had the Board ſtood clear of all Reproach, and thrown the laboring Oar upon the Petitioners. Whereas, by this kind of myſterious and doubtful Treatment, You offer Violence and Inſolence to their Underſtandings and Characters, and throw out an Inſinuation, as unjuſt, as it is inconſiſtent with the Duties and the Dignity of Magiſtrates.—You do know, or ought to know the Commons and Citizens; You do, or ought to know me. I challenge all or any of You to ſay, that the Conduct of any of us is, or has been, irregular, diſreſpectful, or undutiful to the Laws or the Magiſtrates, in theſe, or any other Times you can hint at. If our Conduct was in any Reſpect improper, it was the Duty of the Magiſtrates to puniſh and correct us. But while our Hearts are overflowing with pure Affection and Loyalty to our King and Country, with perfect Reſpect and Confidence in our Chief Governor, and with Peace and Concord in our ſeveral Communities, as well as in the City in general, to brand us with theſe-like foul Inſinuations, ill ſuits the Wiſdom, Juſtice, Moderation and Decency that ſhould grace the Magiſtrates of the Capital of the Kingdom, and that Attention to the Laws, by which we are intituled to be protected.

But this, You tell us, in the Sequel of your Anſwer, is one of your Methods of *preſerving the Peace, Harmony, and good Order of the City*. It is indeed *much the ſame* with that, which I have known

uſed

ſed before now in this City, when a Chief Magiſ-
ate, *to preſerve Peace, Order, and Good Government*,
as layed aſide the Enſigns of Magiſtracy, and tak-
g a large Oak Sapling, as better ſuiting the
ruiſer's Fiſt, (pardon the Expreſſion) than the Rod,
as gone into a Watch-houſe, and there cudgelled
e Conſtables and the Watch, becauſe they dared
o do their Duty. That is, in the Words of the
reſent Board, there was a *Notoriety of Circumſtances,*
at formed that critical Conjuncture, when that Con-
able, and that Watch oppoſed and proſecuted a
reat Man, who attacked the Civil Power, with
Military Force. This is a Fact of known *Notoriety*
St. *Mary*'s Pariſh. This ſurely was the more
oderate Magiſtrate; He cudgelled but a Few in-
onſiderable Men; while your Board, not fairly
dgels, but malignes the whole Body of the Citi-
ns. O! You wiſe Rulers! You happy Promoters
d Conſervators of *Peace, Harmony, and good Order!*
In proof of the pious and parental Diſpoſition of
e Board, we are, in the later Part of the Anſwer,
ld, that Your LORDSHIP and the Board *are ready*
on all proper Occaſions, to give every conſtitutional
oppoſition to any Meaſure, really injurious to this Coun-
try.——Pray, MY LORD, which is the beſt Time
oppoſe an Injury to a Country? When it is offered
impending? Or when it is completed and be-
mes real and actually grievous? O! inimitable
iſdom and Policy!

Yet we are told, that *your* LORDSHIP and the
ard *do think yourſelves bound to diſcountenance* Alarms
ich may diſturb the Minds of well-intending Citizens.
I beg Leave for once to appele to the Juſtice and
ndor of the Board, and aſk whether this Poſition,
the diametrical Reverſe of it, is the Truth? In-
ad of *diſcountenancing*, have not You and Yours
iſed and ſpread Alarms, to *the Diſturbance of the*
inds, and to the Diſhonor of *well-intending*, of
ly loyal and worthy *Citizens*? Have you not

give-

But, pray permit me, My Lord, to ask, had not the Sherifs and Commons, when you vouchsafed to give them an Answer, a Right to expect, to demand, clear and explicit Reasons for your differing from them with this *powerful Unanimity*, so uncommon 'till now at the Board?—But this extraordinary Unanimity, which is enough to make the City tremble, to strike the most tremendous Alarm, is to serve the Sherifs, Commons and Citizens for your Reasons; And, if you have none other, as must be presumed, it is unreasonable to demand any.

You are *unanimous* in Opinion, that such a Law, under proper and necessary Provisions, would be useful, yet You have thought fit, *unanimously* to reject the Petition for it! Your Reasons are indeed of a piece with the former; and if the Commons have *implicit Faith and passive Obedience* enough, to be sure, they will receive them; otherwise, they will with *Unanimity*, equal to yours, reject them with Contempt and Disdain.

You say, your Motives for the rejecting them are, First, the *Terms in which the Petition is conceived, are so exceptionable.* These, the Recorder, had you consulted him, would have had you have called, the *Allegations.* These must be either true or false; if true, they could not be *exceptionable*, and therefore surely they should have Weight with all sensible and honest Men, with due Exception and Reverence to the Board. If they were false; the Recorder had you consulted him, would have shewn you, that that Reason should be alledged for the Rejection, and would have been unanswerable, as then, and then onely, they could be called *exceptionable.* Secondly, The *present Time* for making *such an Application, seeming* to the Board, *from many Circumstances, so improper*; it was judged necessary to be unanimous in the Rejection. That is, *the present Time*, in the third Session of a wise and free Parlement, chosen under our Patriot King George III; and when, from his paternal

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Care of us, his Majesty committed the Reins of Government to a Nobleman of the first Family, first Character and first Fortune, in this Kingdom; and after the faithful and loyal House of Commons had twice before petitioned his Majesty for such a necessary Law, and their third Petition was now preparing by the same House of Commons, zelous to answer the Calls, as to promote the Interest and Happiness of their Constituents; such are the Times, that is to say, the *Notoriety of the Times*, which your LORDSHIP and the Board judge *so improper* to express your Sentiments, by your Members, to Parlement! Can you point out any other *Circumstances, to form critical Conjunctures of great Notoriety?* Not one that is more to your Purpose. Surely, if you could, you should, have satisfied the Commons by producing them. Are these your *many Circumstances?—Let every Man speak Truth to his Neighbour!*

The Commentator on the Works of the Board, is pleased to explane, by an *Annotation*, this Part of your singular Procedings. He says, that by the Words, *proper and necessary Provisions*, you desire to be understood to mean such *Provisions as may be proper and necessary*. An admirable Law Exposition,! Such an one as *Coke* upon *Littleton* never thought of. You say, *proper and necessary for securing the constitutional Independency of the House of Commons.*

Though you are so very unwilling to *instruct* your Members, you do not seem to be very averse to the *receiving Instructions*, and those *unanimously*.——And happily, you take them upon Trust, as you would have the Commons take the dark, doubtful and dangerous Dictates of your Board. A little Knowledge is very dangerous. You should have been more fully instructed, and should learn, as you should deliver, *the Truth, the whole Truth and nothing but the Truth.* Then, you would have known, that those who were formerly against *such a Law*, as the Commons sought, *clogged it or attempted* to clog it, with a Law

exclude Placemen and Penſioners, and one to aſcertain the Qualifications of Members. While thoſe who really wiſhed for ſuch a Law, endeavored to get it paſſed free of all Incumberances, and as near as poſſible to the Form and Words of the Britiſh Act, taking care at the ſame Time to provide Heads of Bills for the other neceſſary Laws. I have taken Care to diſappoint your Purpoſes, by taking theſe Meaſures, as ſoon as your Annotator thought fit to throw out the Hint. If theſe be what you mean, we ſhall ſee how you will *inſtruct* to get theſe Heads of a Bill paſſed, in Aid of the Bill for Septennial Parlements, paſſed the Commons on the 28th and ſent by me to Government the 29th Inſt. And we ſhall ſee, who will moſt zelouſly obſerve your Inſtructions; and carry them fartheſt into Execution.

But, if you wanted but theſe Proviſions, why did you not introduce them, in your Act of Aſſembly, for the Inſtructions? Why did you not grant the Petition, in ſuch Form, as would have provided for all your pretended Purpoſes?—Let me not pry into your Secrets! Let me never learn them! It is enough to know that you were *unanimous* in approving and deſiring ſuch a Law, and *as unanimous* in giving it all the Oppoſition in your Power. And who is to blame for all this? When You become penitent and aſhamed of theſe ſhameful Proceedings, as ſurely you ſoon muſt; then ſhake not your heavy Heads at me, *You cannot ſay, I did it.*

I never find the evil Treatment given me, palliated or leſſened by the like offered to others. Had I been conſcious of having given Offence to the Laws of my Country or City, or to Morals or Religion, the Righteous might reprove and correct me; I ſhould be thankful, as their pretious Balms could never break my Head. But, your LORDSHIP and the Board are pleaſed to treat me as a Criminal, convicted at your Bar of heinous Offences; while the *reſt of the* City and Kingdom, and ſome of you in

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your private Capacities, applaud my poor Intentions and Desires to serve both. While I stand acquitted in mine own Conscience, with the concurrent Approbation of these great Tribunals; your LORDSHIP, and the Board will not be surprised, when I declare, your public Censure has no more Effect upon me, than Bulls and Anathemas from his *Holiness*, or the Conclave at *Rome*, whom you seem so religiously to copy, and to approach so near in Infallibility.

But while I look with Indifference at your Opposition to me, and your direct, as well as indirect Censure of my Conduct, I cannot help being affected at your insolent Behaviour to a Gentleman, whose Demeanor deserves the highest Honors, this City or Kingdom can confer. The Commons ever ready to give Merit it's Reward, prayed that Mr. *Flood* should be presented with the Freedom of this City, in Consideration of the greatest Merit a Subject could claime. Their Words are, *for his steady Attention to the just Prerogative of the Crown, the Rights and Liberties of the Subject, the Honor and Dignity of the Parlement of this Kingdom, and the Trade and Welfare of this antient and loyal Metropolis*, &c. &c.

If You know any Thing, you must know, that all these Allegations or Causes for this just Mark of Favor, are incontestably true, and are the Terms of the Certificate of TRINITY GILD. You must have known, that rejecting this Petition would have helped to inroll this Gentleman, with the illustrious Names of PITT and PRATT, the Petitions for whose Freedom, you have so happily distinguished yourselves in rejecting, and that often, and I suppose *with Unanimity*. Therefore, to retard, as far as in you lay, the rapid Progress, which that Gentleman had made to the admired and admirable Character of Good and Great, you were determined not to do him the Honor of rejecting his Petition; but to singe the Wings of his laudable Ambition, by granting the Petition in part.

This, I muſt ſay, My Lord, is of a Piece with the reſt of the Conduct of your Board: The Cauſes aſſigned for the deſired Favor, were true or falſe. If true, it was ſhameful Injuſtice to refuſe the Prayer. If falſe, it was a Proſtitution of the City's Favors to grant the Freedom in any other Terms than thoſe ſet forth in the Petition. But, I think the Fate of the Board moſt piteous and lamentable: In every Inſtance of theſe Procedings, You are irregular and wrong, if not unjuſt and cruel; and yet you ſuffer yourſelves to be ſo blinded in your Judgement, as to publiſh your Tranſactions, as if you gloried in your Shame!

I am ſorry to hear the Apology made for you, by ſome who would be thought to be in your Secrets. It is well known, that many of You declared your Sentiments of the Buſineſs of the laſt general Aſſemby, in Terms quite the Reverſe of your late unanimous Procedings. But that at your Meeting, You were frightened and impelled to take Meaſures, which few or none of the Board, approved in private.

As I ſtill have as much Reſpect and Friendſhip for You, as your Conduct to yourſelves and your fellow Citizens can admit; I ſhould be glad to find You ape the Virtues, not the Vices of your Betters.

We all know a certain great Aſſembly, whoſe Members, taken apart, are generally found facetious, good-humored, jolly, honeſt Fellows, reſpectively. Keep them aſunder, and you cannot avoid giving each a conſiderable Share of Affection, Reſpect and Confidence. But though compoſed of ſuch amable Individuals; take the aggregate Body together, and you will find as little Regard to Laws, Juſtice, Judgement, Public-Spirit, Truth, Honor or Decency in their Conduct, as in that of any Conclave on this Side *Rome*.

Should not theſe be rather a Warning than a Pattern to You, O! You wiſe Rulers of *Dublin*? But *if, with* an important Shrug, an hauty, up-lifted

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Arm, a menacing, clinched Fist, a knit Brow, a proud supercilious, or rather subtercilious Look, a dogmatic and dictatorial Air, with many dark and doubtful Insinuations, loaded with the dread denounced Threats of a Great Man, though never given, and the tremendous Indignation of Power, though never moved; if practised on by such Artifices as these, You were imposed upon, and made so many Cyphers, tagged to the Tail of one Man, but to inhance his Value in the Enumeration Table; I look upon You with an Eye of Pity, not to say Contempt: As Magistrates, we are all bound to revere You. But from such Counsilors———Good Lord deliver Us!

I hope, the Sheriffs, Commons and Citizens will be induced to view you in the same merciful Light. And, I also hope, your future Conduct will shew, that you are intituled to their Pity and Forgiveness.

I believe, they will all join me in acquitting you, of every individual Sentence and Word of the Messages, or pretended Answers, to the civil, plane, and honest Messages of the Commons. From the polite, friendly, intimate Intercourse, which has always subsisted between the several Members of the Board and the Commons and Citizens, from which, we the inferior Corporations were not excluded; we are all persuaded, that your Lordship and the Board had no Share in those Proceedings, farther, than by giving your Negative; a Right which we must always lament, but by no Means pretend to dispute. How you came to be declared unanimous, we likewise, very well know; and though we lament it, for the Honor of those, we are inclined to love and respect at the Board, we are far from disputing your Right to be unanimous, or from resenting your declaring yourselves so.

All this might have been right and unexceptionable. But, I must say, that, after a pretended Mob was trumped up; after seditious Papers were posted

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up, or reported so to have been; after eighteen or twenty of the most loyal and free Corporations of this City, for doing lawful and just corporate Acts, peaceably, harmoniously, and for the most part unanimously, were assiduously, as falsly and injuriously, represented universally, even to Government, as no better than lawless Tumults and Riots, disaffected Insurgents, yea, almost Traitors and Rebels; and that without the smallest Foundation in Truth, and onely to gratify the passionate Resentment of one angry and jealous Gentleman; it was by no Means just or consistent with the Character and Dignity of the superior Part of the Assembly of the City, in their Surfeitings to belch out such virulent Expressions, as may induce well intending, unsuspecting Men to believe, that the before-mentioned false, injurious and cruel Calumnies, might have had some better Foundation, than the Forgeries of a distempered Brain. The jaundiced Eye sees all Objects green.

I must say, MY LORD, what I am sure your LORDSHIP, as a Man of Candor and Honor, I do not speak to you now as an Alderman, must confess, that the Citizens of *Dublin* deserve better Treatment and more Confidence, at all Hands. They are all Men of Revolution Principles, consequently, inviolably attached to the *Hanover* Succession, and most remarkably affectionate and dutiful to his present Majesty. On Juries, few have equaled, none excelled them, in Judgment and Probity. In their Vocations, they are diligent. In ther Dealings faithful and just. In their ordinary Intercourses with each other, and with Mankind, honest. In their corporate Connexions, loyal and free. In Elections, unbiassed. To the Magistrates, civil and respectful. In their political Characters, they are watchful, and zelous in preserving their Rights and Liberties, as they are strict in rendering unto CÆSAR the Things that are CÆSAR's.

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This Character, My Lord, will be found so generally just, respecting this People, that their unjust Enemies are forced to confess it.

It is happy, that Virtue brings with it, it's own Reward; for otherwise, the Fate of these Men had been unhappy indeed: They are betrayed, or rather abused and misrepresented to Power, by those who should guard and protect them; and Power must believe, 'till undeceived, the Informations it receives; and these poor innocent and loyal Men must be treated accordingly. In the Senate, they have been represented as factious, seditious, tumultuous, notous, and what not! *Little paltry Assemblies of illiterate, ignorant and mean Men*, &c. Every Hireling that can write, dips his Goose-quill in Gall, and Ordure, to draw the Characters of the Citizens in the most bitter and foul Words. It being known, that by Misrepresentation, an evil Impression of the Citizens is made upon Power; every Slave thinks he can best pay his Court, by abusing the Citizens. And for all this, we stand indebted to our good and gracious Guardians, at and about the Board! But these good Magistrates did all this, out of pure Regard to *Peace, Harmony, and good Order*.—Great and wise Rulers! Happy People!

This at present bears hard upon us. But Government will by Experience learn who is right, and who wrong. And we fear not seeing the Tables turned upon those, who have traduced us.

Hitherto, My Lord, all Sorts of Abuse, and from all Quarters, has been freely dealt to us. It is not long since the *Drum ecclesiastic* was beat at such Citizens, as dared to think, and be free and loyal. Thank God! in these late Disputes *these Drums* have layen pretty much unbraced.

But, to our Mortification, in Proportion, as *clerical* Fury seems to have abated, *legal* Fury begins to rage: A great and learned *Judge*, another *Daniel* has

has arisen among us. He is well versed in all the Books that treat of Laws, if we may except the *Miroir of Justices*, which is thought antiquated and obsolete. This laborious and industrious Gentleman, left not a Tract from *Coke*'s *Institutes*, to the *Attorney*'s Guide, unsearched for Laws, Rules or Orders, to preclude the Citizens of this poor Kingdom, from interfering in Matters relative to the Administration of Government, of Legislature, of Jurisdiction. And had he found any Thing to his Purpose, in the Laws or Statutes, he certainly had delivered it in his late, learned, elegant, and ever memorable Charge to a Grand Jury, in order to lay a Foundation for an *Indictment* or *Presentment* of, or a more favorite *Information* against, those daring Corporations, who lately presumed, in the Face of Day, under the Nose of Government, and within the very Sight of the Legislature, yea, in Term Time too, and in Spight to the Board of Aldermen, to assemble, on their Quarter Days, in their public Halls, and there freely and openly to speak, even to applaud the Conduct of their chosen Servant.

But, since the Law Books were silent on this Head, all to a few obsolete constitutional Institutes, perhaps out of Practice in the Courts, which declare every Subject of these Kingdoms interested, and in some Manner and Respects, intituled to interfere, in the most solemn political Transactions of our State; the ingenious Gentleman, judged he might with some Propriety, introduce some Institutes from the *Jewish* Policy, after the Almighty had, at their own Request, cursed that stiff-necked and perverse Generation, with Tyranny and Slavery.

As this could no where be found in the canonical Books, it was judged proper to search the Apocrypha. And even there, the whole Chapter was not permitted to be read, though equally pertinent; and that probably for none other Reason, than that some of

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the Classes to be enveighed against, were mentioned in a Manner, judged too respectful.

In the thirty-eighth Chapter, of the Book of *Ecclesiasticus*, beginning at the twenty-fourth Verse, you may find the Judge's Text; from which, you are to learn, that by Idleness, Wisdom is to be obtained, and that no Man of Business, from the Farmer to the Artisan; that particularly, no Grasier, or Husbandman; no Carpenter, Carver, or Ingraver; no Smith or Potter, however necessary to every City, *Shall be sought for in public Councils, nor sit high in the Congregation: they shall not sit on the Judges Seat, nor understand the Sentence of Judgement. They cannot declare Justice and Judgement, and they shall not be found where Parables are spoken*; even though *they maintain the State of the World, &c.*

If this My Lord, were Law, which happily is but *Apocrypha*, we should be in as bad a State of Government as the degenerate *Jews* were, when God gave them a King in his Wrath, or as any of the neighbouring Nations, whose Kings have by Fraud or Force, made themselves Tyrants, and their Subjects Slaves.

This Doctrine may do, from prostituted Pulpits, in inslaved Countries. But why it should be taught and inforced from the Bench, in a Free Country, and at this Time, when the Corn Bill is passed, let cool Heads judge.

It is the Wisdom of our Policy, My Lord, to exclude no Man from the highest Offices and Ranks in the State. The Bullock-driver and the Tradesman have alike clamed and obtained the high, the judicial, as well as the Legislative Offices of State in these Kingdoms. And I hope, it will never be in the Power of the Judges, who from their first Institution, to our happy Days, exclusive, have been the worst Counsilors, Abetters and Tools of the most perjured and perfidious of our Kings, to debar a single Farmer or Tradesman from serving on Juries and Inquests

from a Seat in either House of Parlement, in the Assembly of the City, or even at the Board of Aldermen. And sure they will not be denied, for any Judge, the Rights of Christians: This Judge has not positively asserted with another, that they are *Rats*, *Cats*, or *Dogs*; therefore, I hope it is not yet intended to forbid Citizens and Farmers, going to Church, to hear the Word of God in Parables.

My Lord, I hope the learned Judge, does not mean to abolish our City Court, our Sherif's Tourn, or the Court of Conscience. I am sure he does not mean it. They are only the *Farmers* and *Graziers*, the *Carpenters*, *Carvers* and *Ingravers*, the *Smiths* and the *Potters*, that he seems inclined to exclude. But sure My Lord, it is because he does not know how useful, how respectable these People are. Thank God the Laws do not, if the *Apocrypha* and ever so many Apocryphal Judges combined, to exclude them.

But, I console my Fellow Citizens upon finding, that the *Judge*, cannot even in *Apocrypha*, find an Handle to exclude all the rest of our Corporations from Councils, State and City Offices, Juries, &c. Exult therefore ye *Merchants*, *Taylors*, *Barbers*, *Bakers*, *Butchers*, *Shoemakers*, *Sadlers*, *Cooks*, *Tanners*, *Tallow-Chandlers*, *Glovers*, *Weavers*, *Dyers*, *Coopers*, *Hatters*, *Cutlers*, *Stationers*, *Bricklayers*, *Hosiers*, *Curriers*, *Brewers*, *Joyners*, *and Apothecaries*; for the Judge has not found any thing against You. You may yet go to Church, without Reproof; you may yet serve on Grand and Petty Juries, in the Common Council of the City or Nation; you may even come to be Sherifs, Aldermen, or Lord Mayors.

Then to bring in little Self, as free as most of your Communities, I shall still be allowed the same Privileges with you. But for a little private Gratification, in my present Profession, indulge me with quoting a Sentence or two of the Context, which perhaps was omitted on my Account: Ver. 1. *Honor a Phy-*

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ſician with the Honor due unto him, for the Uſes which you may have of him; becauſe the Lord hath created him. V. 2. *For of the moſt High, cometh Healing, and he ſhall receive Honor of the King.* V. 3. *The Skill of the Phyſician ſhall lift up his Head, and in the Sight of Great Men, he ſhall be in Admiration.*

It is well, that partial Quotations, in a Charge, are not as miſchievous, or as criminal as partial Evidence in a Cauſe. However, MY LORD, a Grand Jury thus charged, can hardly miſs Fire, if they be as well primed. And are we not to expect that a Scripture-inſtructed Inqueſt, muſt make a better Figure than any that are inſtructed, by the other Judges, in the Common and Statute Laws?

I ſhould beg Pardon of your Lordſhip and Honors, for ſpending ſo much of your Time in this trifling Manner. But you ſee how I was led into it. And the ſame holy Book, quoted to ſo little purpoſe, againſt Us, honeſt and loyal *Carpenters*, *Smiths*, &c. authoriſes us, *to anſwer a Fool according to his Folly.*

Permit me however, MY LORD, to turn over a Chapter for the reading of great Rulers and Judges. Let ſuch read the firſt Chapter of ISAIAH, to the End. If theſe great Men find any thing applicable, to Places, Perſons, or Times, in this or the following Texts, let them ſue the Scipture for a *Libel*, or get a *General Warrant* to ſearch and tear out the offending Chapters or Verſes. Let them look into MICAH, Chap. xi, Verſes 2 and 3; the firſt Book of SAMUEL, Chap. viii, Verſe 3. And if they can, let them ſay, what the ſame Righteous SAMUEL does, Chapter xii, Verſe 3. —Let them not overlook PSALM xxvi, 10. AMOS, v, Verſe 12, or MATTHEW, xxiii, 23.

And thus, for a few Verſes of one Chapter of *Apocrypha*, I offer to the Peruſal and ſerious Conſideration of *Rulers* and *Judges*, an intire Chapter, and ſeveral Verſes of other Chapters, of the *Canonical Books* of Scripture. And I now leave your Lordſhip and thoſe other *great Men to conſider*, which are the moſt

applicable and pertinent to Perſons, Seaſons, and Circumſtances.

And now, My Lord, and you worthy Gentlemen of the Board, I ſubmit theſe Matters to your cool Conſideration, and beg your Permiſſion to turn my Attention, for a while, to the Sherifs and Commons, who have nobly dared to differ from the great Rulers, and juſtify the Conduct of their Servant, and the ſeveral Corporations, that countenanced him.

But, My Lord, before I take my Leave, I muſt make one, though a melancholy Obſervation: I find, I have the Misfortune, notwithſtanding the moſt ſtrong, natural Propenſity to Peace and Amity with all Men, to be perpetually hawled into a State of Warfare, in which I hope it will be found, that inſtead of being the Aggreſſor, I am always put on the Defenſive.

No Man can poſſibly go farther, than I am, and always have been inclined, in paying juſt Reſpect and Deference to Rulers, to Judges and other Miniſters of Juſtice and Law. But, as I muſt ever look upon the higheſt Officers, as Men, ſubject to Errors, and as Officers, ſubject to ſundry great Temptations, to extend what is called the Prerogative, beyond the legal and juſt Bounds, and otherwiſe to invade, to curtail, or to betray the Rights and Privileges of the Subject; I hold it my indiſpenſable Duty, as it is my conſtitutional Birth-right, to have a watchful Eye on the Conduct of all that are put in Authority under the Crown, and as far as I may lawfully, to expoſe and oppoſe all Meaſures deſtructive of, or dangerous to civil Liberty, the peculiar, invaluable Inheritance of the Subjects of theſe Realms. I ſhall never ceaſe to *endeavor to remove the evil Counſilor from before the King, that his Throne may be eſtabliſhed in Righteouſneſs*, and the Hearts of his People. Though this Privilege might not have been allowed to the degenerate *Jewiſh* Tradeſmen; I *hope it will* never be given up by us Christian, *Irish Carpenters, Smiths*, &c.

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Why I ſhould have incurred the Cenſure of your LORDSHIP's venerable Board, of your RECORDER, or of any great and upright Judge, for this Diſpoſition to ſerve the Public, at the Expence of my own Intereſt and Peace, is a Matter beyond my Conception. But, ſince ſuch have thrown the firſt Stone, it is but natural for me to defend. I look not for Repriſals.

Your LORDSHIP, when left to yourſelf, muſt think it a ſtrange Method of making Court to Power, to abuſe and vilify one of the moſt true and ſincere Friends of lawful and juſt Power. Yet ſuch, you muſt ſee, unaccountably, is the Mode.

But, among all, that thus baſely ſtoop and imbue their Hands in Dirt, to fling at me, is not your LORDSHIP ſurpriſed to ſee, that late zelous Friend to his Country, that great Admirer, and much admired of our City, that learned and judicious Writer, that eloquent and powerful Advocate for the Rights of the Subject, and that private warm Friend of mine, Mr. Mc AULAY, mix in the filthy Throng!

This is a Gentleman, very deſervedly placed in high Station. He is a Lawyer, eminently verſed in Common, Statute, Civil, and Canon Laws, therefore a Doctor of Laws. He is deſervedly, one of his Majeſty's worthy Counſil, learned in the Law, and Judge of the conſiſtorial and metropolitical Court, and as I apprehend, Vicar General of the Dioceſe of *Dublin*, and has been *unanimouſly* elected, one of the Repreſentatives in Parlement of the *populous* and *free* Borough of *Thomaſtown*.

Your LORDSHIP will, no doubt, think, a Share in this diſtinguiſhed Gentleman's Friendſhip, a very great Honor. This Honor, MY LORD, I by ſome Accident, obtained, and long enjoyed. But how ſhall I tell it! I have by ſome unfortunate and unaccountable Accident, loſſed it!

This might be ſome Reproach to me, if my Conſcience did not acquit me, of all juſt Cauſe of Offence.

fence. 'Till very lately, I had the Happineſs of concurring in Sentiments, as far as I underſtood, political and moral, with this learned Gentleman. I honored his public Spirit, and applauded his patriot Zele. I made one of the Multitude, who admired his political Writings, as well as his religious, whether they bore his reſpectable Name, or were anonymous, and aſcribed by Fame to this great Man. His Inſtructions for *Sermon-writing* could not eſcape my Admiration.

How I have offended this great Man, he muſt tell; for I cannot. Upon a ſtrict Self-examination, I recollect, having once oppoſed this Gentleman, upon his lapſing into Expreſſions, which I thought every where wrong, and particularly, unbecoming his Character, and the Place where they were uttered. By ſome unfortunate Lapſe, for great Genius's will ſometimes lapſe and relapſe too, this Gentleman in a very *conſiderable Company*, happened to call this Kingdom, a *ſubordinate* and *dependent* Country, and attempted to ſhew, that it was *dependent on*, and *ſubordinate* to, another Nation, in *Legiſlation*, *Juriſdiction*, &c.

More warmly, perhaps, than diſcreetly, but with much Reluctance, I interrupted and oppoſed my Friend; attempted to ſhew the Doctrine ill-founded, and declared, that if it were otherwiſe, I ſhould ſcorn a Seat in the national Council. In which, the *whole Company*, who are ſeldom known partial to me, condemned the learned Gentleman's Poſitions, and joined with me.

However, our Friendſhip ſeemed to outlive the Coolneſs this Difference raiſed, and I hoped, we might again draw as well together, as we had done before.

But, unfortunately for me, the Gentleman has changed his Sentiments in political Matters, as well as of me; for which, I ſuppoſe, I am never to be forgiven; though I neither envy him the Honor, nor the Reward, he has ſo happily obtained, for taking a *different* Side from mine.

I cannot

I cannot help lamenting the Loſs of ſuch a Friend, as well to the Public, as to myſelf. But, I hope the Public will find me more to be pitied, than blamed in the Matter.

You remember, how well this Gentleman wrote againſt *Penſions*, before the laſt Seſſion of Parlement. You may poſſibly remember, with what Powers of Law, Reaſon and Oratory, with what indefatigable Aſſiduity, he ſupported theſe his Arguments, *viva voce*, afterwards in the Houſe; though ſome are ſo ill-natured as to ſay, that he never ſpoke a Word, or even voted upon any Queſtion then relative to *Penſions*, unleſs under the Form of an *Harbor* or a *Colliery*. You may poſſibly recollect, how well he wrote then upon *Septennial Parlements*; and how well he ſupported the Heads of a Bill for that Purpoſe this Seſſion, when *Somebody* moved for poſtponing the Conſideration of it, the very Day, on which it paſſed without a Diviſion. This could not be Doctor Mc. AULAY, as he is well known to have an irreconcileable Averſion to the low Arts of Procraſtination.

But, if you have forgot, the former Edition of that learned and ingenious Work, I am ſure, he has refreſhed your Memory with a new one ſince; which from the Abundance of his public Spirit, he diſtributes with Additions, *gratis*, finding otherwiſe, it would neither ſell nor be red.

I have heared good Houſewifes ſay, that *old Rags* ſhould never be thrown away. Good *French* Cooks will never ſuffer any Diſh of Meat, however ſtale or ſtinking, to be rejected, while it is in the Power of incoherent Onion, Garlic or Spices, to tranſform it into a *Fricaſee* or *Ragout*. And no doubt, you have heared of a Pair of Stockings being ſo darned over, with different Thread, as to change their original Nature quite.

Look then, at this new Piece of Houſewifery, Cookery or Darning, of our late learned Friend, and with me admire it. Yea, thank me for all you

like

like of it, the Additions; though they be not quite two Paragraps, the first on p. the first and the last on p. 30.

On the memorable nineteenth Day of *December* last, Doctor M'AULAY and I, were perfectly agreed. But, alas! on the succeding Day, no *two Doctors* ever differed more. Every Man, no doubt, has his Reason, for his Conduct, such as it is. The learned Doctor gave his, and I humbly offered mine, upon that Occasion. Your LORDSHIP and the Public are possessed of both. Judge which stands the Test of Law, Public-Spirit, Truth, Faith, and common Sense; which of us has steered the steadiest Course, and whose Needle has varied most in his Voyage.

But see from what small Matters, great and mighty Things procede! Had it not been for this great Gentleman's differing from me, You might never have tasted of his second *Fricasee*. This brought forth an humble, public Address to the Great Man, much low Billingsgate and indirect Abuse of me, and to your great Joy, it appears, that my gentile, unprovoked Reviler has since been exalted to the Rank of an itinerant Judge of Assize. Let every Man enjoy the Reward of his Virtues!

It did not, you see, require the Sagacity of a PERY, to pronounce, that this learned Inquisitor had a more powerful Reason, than he chose to give the House, out of the Statute of his worthy Patron and Patroness, *Philip* and *Mary*, of tyrannical and bloody Memories, for his changing his Opinion, since the Day before. He had the same Reason for abusing me. For which, you will probably think him intituled to your Grace and Favor, and now grant him the Freedom of the City, which you so often refused, regardless of my repeted Solicitation.

Let him unenvied by me, enjoy both; while I exult and triumph in finding, that he has nothing to lay to my Charge; though, for the Honor of my late Friend, I must lament his being forced to *have* Recourse to the sordid Subterfuge of low and

corrupt Pleaders, whoſe Want of Arguments from Facts, Law, Juſtice and Reaſon, is onely to be ſupplied with falſe and ſlanderous Inſinuations, and foul, abuſive Words.

When any Man finds me ſwerve from open, honeſt, juſt and patriot Purpoſes; when he finds me ſhift, and whiffle about, as private Intereſt directs, or deſcend to low Arts, and receive the Wages of Proſtitution; I ſhall then be qualified to anſwer any foul-mouthed, ambidexter or amphibious Brawler, in his own baſe Manners, and more baſe Language; till then, I may be allowed to clame, and to preſerve the Character of a Gentleman, as well as that of the HONEST MAN, the nobleſt Work of GOD. Let Rulers, Judges and Inquiſitors go further!

Thus, we ſee the Talents of a wiſe, juſt, cool, diſpaſſionate Judge diſplayed! God help the Suiters that incur his Highneſs's Diſpleaſure!

But, may I not congratulate this great Man on his Succeſs? Before this, his Freedom of the City was often petitioned for, and as often rejected by the Board. He ſtood very well with the Commons and Citizens, for the Place of our RECORDER, in caſe we ſhould have the Misfortune of ſeeing that Place vacant. And now, he has ſurely gained the *unanimous* Conſent of the Board. He ſeems certainly to have got ſome of the Qualifications, You require in that Officer.—But, is he as ſure of the Commons? In another well-managed Election, he may.

GENTLEMEN of the COMMON COUNCIL! I always entertained the higheſt Senſe of the Virtues of the COMMONS and CITIZENS of *Dublin*. But in Contemplation of the extraordinary Virtues of the preſent SHERIFS and COMMONS, I am loſſed in Admiration, as I am borne down with the Weight of Obligations.

To the immortal Honor of this City, their Repreſentatives in the Common Council, have ever been the *foremoſt in diſtinguiſhing* the meritorious Subjects, *whether of this* or the neighbouring Kingdom

with the highest Marks of the City's Favor. The Commons of *Dublin* were the first that moved for confering the Freedom of their City upon the first Patriots of *Great Britain*. Witness your early Attention to the rising Merits of PITT and PRATT, who had the Honor of being often rejected by the Lordly Board of Aldermen. Nor have You been unmindful of those who distinguished themselves in the Service of their Country, in the Army or the Navy of *Great Britain*; witness COOTE, MASSEY, HOWE, HAWKE, SAUNDERS and others; while the distinguished Characters of your own Country, have ever been assured of receiving public Marks of the Regards of the Commons and Citizens, though generally, at left for some Time, opposed and obstructed by the Board of Aldermen.

But, for the present SHERIFS and COMMONS, the Virtue of proposing Instructions, Thanks and an honorable Stipend for the Member for the City, approved in your Sight, seems reserved: For, as far as I can learn, You are the first, who voluntarily engaged or offered to support your Member in the Discharge of his Duty, since a perjured King betrayed the Rights of the Crown and the Subject, by becoming a Pensioner of the natural and implacable Enemy of his Dominions, and set wicked Ministers, upon alienating the Affections and Fidelity of the Representatives from their Constituents, by bribing and corrupting them with their own Money, profusely lavished upon the Prostitutes, in secret Presents, and multiplied Pluralities of Places and Pensions. You are the first, who since then, considered the sacred Engagement between the Representative and the Represented, and the Security given for good Behavior by the *Wages*, to which the Members are intituled from the earliest Institution of Parlements.

Though you know me too well to suspect, that Affluence of Fortune can have any Charm for me, *or honest* and blameless Poverty any Terror; I con-

fess

fess, I look up, with equal Admiration and Gratitude, to your most virtuous Intentions, and Attempt, to distinguish me with a Stipend, the first of the Kind in our Days; a Stipend, intended as a Reward for the Fidelity of your Servant, which must therefore confer a high Honor on him, to whom it was granted, while it reflects just Honors on the generous Doners.

Think not, GENTLEMEN, that these Honors or my Obligations can be abated by the *Negative* of the Aldermen. On the contrary, they are both in my Estimation hightened, by the Behavior of the Board.

Upon the present ill-founded Constitution of the City, so remote, as I have often complained, from the original Institution; the Lord Mayor and Board have a Negative on your Petitions or Proposals, as you have on theirs, or those they frame in your Name, in the Common Council.

Each Part of the Assembly should keep clear of all Arrogance, and all Tendency to arbitrary Rule. And therefore, each should give the other, the Satisfaction of assigning clear and convincing Reasons for their Petitions, Proposals or Demands, as well as for their Dissention or Refusal to concur in the Measures proposed. This is the true, the onely Way of preserving Peace, Harmonv, good Order and Understanding, in a mixed Assembly.

Fortunately, for your Honor, as well as for mine, you have set forth your Motives, in the Allegations of your Petitions, and in your spirited and just Declarations upon the *Negative*, insolent Messages of the Board.

Were they able with Truth to contradict your Allegations, or to detract from the Character with which you honor me, their *Negative* might glance some Suspicion of Dishonor. But while they onely attempt to support that *Negative*, with artful and malevolent *Insinuations*, as false and as wicked,

as the ſecret Calumnies, they ſo induſtriouſly ſpred, and now ſeek to confirm by thoſe *dark Procedings*; they ſerve onely to ſet your honorable and patriot Intentions, like Diamonds on a black Foil, in the brighteſt Luſtre.

Thus you have the Satisfaction to ſee, that your Bounty is not thrown away: For however inconſiderable the Object of your Regards, your Attention muſt give him Weight. He muſt for ever be bound by your virtuous Intentions and Example, to ſerve, to know, none other Maſter than you. While all wiſe and virtuous Men, even Generations yet unborn, will applaud, as they may hereafter feel the good Effects of, the great Example thus ſet by the COMMONS of DUBL'N, to diſtinguiſh and reward the faithful Services of Members of Parlement, and to revive their Attention to, and Dependence upon, their Conſtituents.

You ſee then, GENTLEMEN, You have in no Inſtance miſſed your Aim: Your Inſtructions, and your Applauſe and Thanks, are ſuch honorable Teſtimonies of your Confidence in me, and of your favorable Opinion of my Conduct, as can receive no Addition from a pecuniary Stipend.

Your own virtuous Minds, can better ſuggeſt to You, than I can deſcribe, the Senſe of Gratitude, Reſpect and Duty, which your Conduct of the Seventeenth and Twenty-ſeventh of laſt Month, has imprinted on my Heart.

To that Part of your Procedings of the Twenty Seventh, delivered to me by the SHERIFS, I have returned you my Anſwer by the ſame Channel; yet think it proper to repete it, by adding it in the Appendix, N°. III.

And as to the former, I reſerved myſelf for this Addreſs, which was intended to appear ſooner, but was forced to give way to one, in anſwer to a ſubtil, artful Paper, whoſe dangerous Impreſſion, I *thought* neceſſary to rub off, with all poſſible Expe-

dition:

dition: I mean the NEW ADDRESS, to which, my Second, was intended as an Answer.

However vane it may appear in me, I must beg leave to recite a Paragraph of your Procedings, which, while it reflects the highest Honor on me, that any Man can receive, records Sentiments of yours, that might do Honor to a ROMAN or a BRITISH SENATE: I mean your Reply to the Answer of the Board, to your Petition and Message, for the Stipend, which runs in these Words; "NOW we "the SHERIFFS and COMMONS aforesaid, judging it "our indispensible Duty to explain, and to account "for our Conduct to our Constituents, whose Senti-"ments and Instructions we shall ever think it our "Duty to observe and follow, do make this pub-"lick Declaration for ourselves, our Constituents "and Fellow Citizens, against this extraordinary "Negative of the Lord Mayor and Board of Al-"dermen, which we look upon as a Discourage-"ment to public Spirit and Patriotism; and we do "disapprove of the said Negative, and do take this "Opportunity of testifying our full and perfect "Approbation of the Conduct of our said Repre-"sentative, Doctor Charles Lucas, for his faithful "and disinterested Conduct, and his watchful Care "of the Rights and Liberties of his Fellow Subjects "in general, and of his Constituents in particular; "and we do hereby Order that the most sincere "and hearty Thanks of the Sheriffs and Commons, "in Behalf of themselves and the rest of the Com-"mons and Citizens of this City, be presented to "our said Representative Doctor Charles Lucas; "with the full Assurance of our determined Resolu-"tion, as far as in us lies, to support our said Repre-"sentative in a legal constitutional Discharge of his "Duty.

All the Powers on Earth united, could not more highly gratify my Pride and Ambition, than this most *honorable Testimony* from Men like You.

While

While others choose to serve the King in his Ministry, which have sometimes, been known to hold an Interest opposite to that of the Crown, and the Subject; let it be my most pleasing, though less profitable Task, to serve the King in his People, whose Honor, Interest and Happiness, stand upon one unalterable Foundation with those of the Crown.

In your loyal, prudent and free Sentiments, I shall find unerring Rules for my Instruction and Conduct. Your generous Countenance will prove my most effectual Support, and your honest and unbiassed Applause shall be esteemed infinitely to overpay the utmost Pains and Care, I can possibly take in your Service. And thus your generous spirited Conduct, has answered every good Purpose to the Public and to me, in spight to the opposing Board.

It is with no small Reluctance, that I am forced to treat these Gentlemen, in a Manner different from that, which I confess due to their Rank in the City. I am never so happy, as when I give every Man his Due. And I am sensible, that we should ever be cautious in reviling Men in Power.

But, when it is considered, what a dangerous and wicked Attack these Rulers and Judges made upon the unblemished Characters of the Commons and Citizens, whose Honor and Interest must ever be dearer to me than mine own; and, when the Light they chose to place me in, is considered; I hope, I may again plead the Example of the Holy Apostle, who, in the Face of the Court, reviled that haughty, insolent and unjust Magistrate, though called GOD's HIGH PRIEST, that degraded and stripped himself of the Honor and Dignity, of the Majesty of his Office, by a shameful and cruel Breach of Peace, Order and Decency. He was the Aggressor, not the innocent, FREE ROMAN CITIZEN; And such are our Rulers and Judges, instead of you and me.

Now, MY LORD, and GNTLEMEN of the BOARD, *You may imagine* your Behavior on these late Occasions,

casions, has provoked me to great Wrath and Indignation. Be assured, you have moved no Passion in me, with respect to myself, but Contempt and Pity; and sorry I am to find either applicable to a Body that should be respectable and honorable indeed. I well know who has put the Rings in some of your Noses, and has led you about by a Chain or a String, to leap or to dance, to such discordant Sounds, as he is pleased to impose upon your unharmonised Ears, for Music. You must know, that you have been led to use the Commons and Citizens of this City, most disrespectfully, most unjustly and cruelly, in your secretly charging them and me with *Riots, Tumults, flying in the Face of Government*, &c. &c. &c. And you must know, that the dark Insinuations in your mysterious Procedings may admit of being construed into the most disaffected, traiterous, or other malignant Purposes whatsoever. Be but sensible and sorry for this gross Injustice and Misconduct; let your future Behavior prove this, and you cannot fail of being reinstated in the Regards of your injured and abused fellow Citizens. *When the wicked Man turneth away from his Wickedness and doeth that which is lawful and right, he shall save himself from Perdition.* Turn Ye, turn *Ye therefore, from your Evil Ways*, and so *shall not Iniquity be your Ruin.*

It is with some Satisfaction, I learn, that out of the Board, some of you are ashamed and sorry for your Procedings there, and heartily applaud the Conduct of the Sherifs and Commons, as well as mine, in private. Witness your signing the Petition to Government in favor of the Bill for septennial Parlements, *unanimously* opposed at the Board. Procede in your Penitence and be saved and respected.

Remember then, You are none of You set above your Fellow Citizens, for your private Emolument. High as the highest of You is, he is but a Servant and Trustee of the Citizens. The highest Magistrates of *antient Rome*, did not disdain to bow their

Fasce-

Fasces, the Ensigns of Magistracy, before the Assemblies of the People, the Origine of Civil Power. It would be but prudent in our Magistrates, to remember that they hold their Power, under the Crown, for the Good of the Subject, and that therefore, they are bound to execute the Laws, to the Punishment of Evil-doers, and to the Protection of those who do Right, with Justice, Mercy, Moderation and Humanity.

This is the true and onely Way of *preserving Peace, Harmony and good Order*, and your own Honor and Dignity, in the City, with that Love and Amity, which should prevale among all Ranks in the City, as in a well-governed Family. And by so doing, for the future, You may wipe away the ungrateful Rememberance of passed Offences.

If an House divided against itself may not securely stand, no more can a City at Variance. We have been too long, and too much, divided. It is high Time to lay aside our Divisions, and re-unite. And though I have felt at every Pore, as I always shall feel every Degree of Injustice or Insolence offered the Commons or Citizens, and am not insensible of the cruelly malevolent and wicked Treatment offered mine own Character; yet You shall find me foremost in promoting a perfect Oblivion of what is passed, and the Re-establishment of that Peace and Amity, which becomes the different Members of the same Body. And then You shall find me as ready as ever to declare, to prove myself,

My Lord Mayor, Aldermen,
Sherifs, Commons and Citizens!

Your most faithful and dutiful
Representative,
Most assured Friend,
and obedient Servant,

Henry-street,
Jan 30, 1766.

C. Lucas.

APPENDIX No. I.

To the Right Honorable BENJAMIN GEALE, LORD MAYOR of the City of DUBLIN.

MY LORD,

SINCE I could not be so fortunate as to pay my Duty to your Lordship, in Person, give me leave to testify it in this Manner.

Let me first join with the general Voice of my Fellow Citizens, in congratulating your Lordship, upon your Accession to the Seat of Chief Magistrate of our City, and then wish You, most sincerely, an happy Administration.

But of this, I can have no Doubt; for though most Men must come into Office, after so worthy a Predecessor as Yours, under many Disadvantages; yet your Character in private Life, and your Conduct as an inferior Magistrate, give your Friends Assurance, that you will fill your high Station with Dignity and Honor, and acquit yourself, in all Respects, to the Satisfaction of your King and Country.

Though I have found myself under the disagreeable Necessity, of with-drawing for a while from the Duties of my Station in the City, neither Distance nor Time, can lessen my Attention to the Interest or Honor of the City.

Your Lordship may remember, that one of the last Conversations, I had the Honor of holding with You, run chiefly upon these Subjects, and your Lordship was of my Opinion, that to make the Offices of the City, Objects worth the Attention of Men of the first Rank, qualified for them, they ought to be made as Profitable, and as Honorable, as the Corporation can afford. This is one, and an effectual Means of puting your Officers, beyond the Reach of any Temptation, that sinister Influence, can offer.

In this Instance, I chiefly, then, had mine Eye, o the Office of Recorder. Though I have all due Honor and Esteem for my worthy Collegue, nothin that I shall offer on this Head, can be suspected partial or personal; As Members for the City, we have not yet been so happy as to draw together, as well as the City and I might wish. But as Recorder, I must say, I do not believe, the City ever had his Equal.

However small the Salary of this Office has been, it has always been greatly sought and contended for. But by whom? Not by Men of independent Fortunes and high Rank in their Professions; but by aspiring Spirits, perhaps of desparate Fortunes, who made this distinguished Place, a Stepping-block to Rank and Fame in the Profession of the Law, and these obtained, payed but little Attention to the Business of the City:

Now, though your Recorders were generally of this Cast, they got no small Gleanings of the City Estate; witness your *Fosters*, *Rogersons*, &c. not to go further back. None of these Gleanings are now to be had. The Business of the Office is extremely increased by various Accidents, but principally by the Assiduity of the present Recorder, who must make a very great Sacrifice of the Profits of his Profession, to the Service of the City, in this Station.

I have sometime, made it my Business, to inquire into the Difference between the Attention, formerly given by the Recorders, and that given of late; and have compared the Business of the Courts, formerly and of late. And, I can assure your Lordship, those bear no Comparison with these. A Day or two, perhaps a few Hours in a Day or two, formerly, often finished the Business of the Quarter Sessions. Whereas now, your Lordship and the rest of the Gentlemen of the Board know, what frequent Adjournments there are, and what Crowds of Criminals are tried in every Session. I can prove from the Books of

each

each Court, that there has been sometimes more than double the Number of the Criminals, tried in all the Terms, and all the Sittings of the Commission of Oyer and Terminer in a Year, tried in the Tholsel in one Session. This Disparity is hardly credible, but your Lordship, upon Inquiry will find it True.

But this is not the onely Instance, in which the Recorder's Attention deserves the Consideration of the City. He did not make the Office a stepping Block, to Fortune or to Fame; he had more than a competent Share of both, before his Appointment. And it must be evident, that his Attention to the Duties of his Office, must greatly diminish the Emoluments of his Profession. Let me add to this, that the present Recorder has layed indelible Obligations on the Corporation at large; but on no Part more, than on the Commons and Citizens. I need onely trouble your Lordship with an Instance or two; you know the Forms of Leases, he has contrived, to prevent future purloining of the City Estate. And no Man can be ignorant of the Importance of the Act of Parlement, he framed, which has restored Peace, Order, Freedom and Concord in the City.

But these and other Arguments, that may be offered, may seem rather personal, when I should choose to make all Considerations of a public Nature.

Let me then ask any good Citizen, can there be any Thing more desirable, more necessary to the Interest, to the Honor of the City, than that the Place of the second Officer in Rank, but the first in Importance, in the City, should be an Object, worth the seeking of a Lawyer of known Character and Eminence? Should you leave it in the Power of a Minister to offer your Recorder any Thing worth his Acceptance, under the Place of a Chancellor or chief Judge? His Office is now established during good Behavior. But his Salary, during Pleasure. This does not excede 300l. a Year, and

Fees and Perquisites, I am told, hardly make up another Hundred. Let it be considered then, whether this can be possibly thought, an Equivalent for such Attendence, as is requisite, and now actually given, by an eminent Lawyer? Let us suppose a Recorder of our City, and in Parlement too, capable of applying to Governent, and laying before them the Quantity of the Crown Business, he discharges, and demanding a Recompence; is it to be imagined, that he would be one Moment denied? Would not any Ministry quickly leap at such an Opportunity of adding One to their hateful, destructive Bands?—I am sure, we are not to apprehend any Thing like this from our present Recorder. But, I am as well persuaded that Justice demands, and Prudence authorises, our putting that great Officer out of the Reach of ministerial Temptation, by raising his Salary, so as to give a reasonable Equivalent for the Losses, he sustains by attending and serving the City, as well as to make the Office an Object of the Desire of some of our first Lawyers. And this would probably produce another good and desirable Effect; that is, to make some of the proud Men of the long Robe, in, as well as out of Parlement, pay a little more Deference and Respect to the City, than we usually receive from such Gentlemen.

I would not presume to point out to your Lordship, or the other Members of the Assembly, the Sum requisite for these desireable Purposes. But give me Leave to say, that I think the Recorder's Place should be made much preferable to the Place of puny Judges, and other Officers of the Crown, whose Places are usually Temptations to Lawyers.

When this is done, in which I hope the Justice and Wisdom of the City will be shewn, I should beg Leave to propose another Expedient to prevent the Hurry, Confusion and Rashness, too frequently at-

tending the Election of a Recorder. This is the Method in London: There, they appoint two Lawyers of Character, who are occasionally employed in City Causes, and who attend the Assemblies, Sessions, &c. Out of these, the Recorder is chosen. These, with us, may sit among the Commons, and keep up Regularity and Order in their Procedings, as the Recorder may be supposed to do at the Board.

I hoped to have been able, in my Place in the Assembly, to make a Motion to this Effect. But the bad State of my Wife's Health, as well as of mine own, made this Recess absolutely necessary, in the Opinion of better Judges than I.

But since it was not in my Power, to discharge this Part of my Duty in Person, I hope your Lordship and the Assembly will take the Will for the Deed, and if my Sentiments are honored with your Approbation, your Lordship will be so kind as to communicate them, in what Form you think fit, to the Gentlemen of the Board, and to my Brethren the Sherifs and Commons.

I should apologise for the disorderly Manner, in which I address your Lordship, but it is not in my Power to be more regular and correct at present.

I hope your Lordship will excuse the Trouble I give you, as it procedes onely from the Respect and Duty I bear my Constituents, and now give me Leave to assure you of the profound Respect and tender Regard, with which I have the Honor of being,

My Lord, Your Lordship's,

Bath, *most faithful, most dutiful,*
Octo. 14, *and obedient Servant,*
1764. C. Lucas.

P. S. To those, with whom these Arguments may want Weight, I beg Leave to offer another: A Man having a considerable Salary during the Pleasure of the City, will be cautious of incurring her *Displeasure.*

A P P E N-

APPENDIX No. II.

To the Right Honorable the LORD MAYOR of the City of *Dublin*; then Mr. Alderman FORBES.

MY LORD,

As no Man better knows and fulfils the Duties of the Citizen and the Magistrate than your Lordship, an Application of this Kind can hardly surprise You, or require an Apology from me.

MY LORD, my sole Ambition is the discharging the Duties of my Stations in Life, with the Approbation of Men like You, and conscious Rectitude.

Nothing could give Me such unspeakable Pleasure, as being able to fulfil the several Duties of my Stations, agreeable to mine own Inclinations and Desires. But though I have not been able to effect these good Purposes to my Satisfaction, I have the comfortable Assurance in my Conscience, of having omitted nothing within my Power, and of having done nothing knowingly, inconsistent with the Duty and Honor of a Representative of the City in Parlement, or of one of the Corporations in the Common Council. And I have the further Comfort of hoping from the Conduct of your LORDSHIP and the Gentlemen of the Board towards me, as well as that of the Sherifs and Commons, and my other fellow Citizens, that though You may have found Me but an unprofitable Servant, I have not been unfaithful, or altogether unworthy.

As these MY LORD, are flattering Hopes, I cannot, I dare not, quit Sight of them. Therefore the most firm and invariable Purpose of my Life is, to aspire at every Thing desireable by my Constituents; and to do nothing, and to omit nothing which may derogate from the Character, that first recommended me to the great and impotant Trusts, [illegible] which they have honored me.

From these Considerations, your Lordship must judge, that I am persuaded, it is the indispensable Duty of every Member of Parlement, and of every Common Council-man, to reside among his Constituents, and to commune with them, when his Attendence is not positively required in the Common Council of the Nation or the City.

From these Motives, my Lord, and at a Time when I observe with Pleasure, the good Correspondence cultivating between the governing Parts of the City, as well as the governed, it is easy to conceive how irksom it must be to me to withdraw myself, for any Time, from the City, where my Duty demands, and my Inclinations impel me to, constant Residence and Attendence.

To these, my Lord, I may without Vanity be allowed to say, I have already made no small Sacrifice, both of Fortune and Health. I mean not to boast; I am sensible, that I have done but my Duty, and I dare persevere, even to Poverty and to Death.

But, My Lord, to enable me to go through my Tasks the more effectually, a little Recess, for the Recovery and Establishment of Health, is at this Time found necessary, both for myself and my Wife, for whom the Gentlemen of my Profession, pronounce a Course of Bath Waters, as necessary as for me.

I could not presume to with-draw myself from the City, though for these necessary Purposes, without some Assurance of obtaining Permission from the Assembly. It would be arrogant to desire the Calling one for this Purpose onely; I must therefore request your Lordship will please to communicate this Letter to the next Assembly, and obtain me Leave to go and remane abroad three or four Months for the Recovery of my Health: For, with Pride and Gratitude, I acknowledge myself the Servant of the City, and assure your Lordship and my Fellow Citizens in general, that I never shall know any other Master.

A FOURTH

ADDRESS

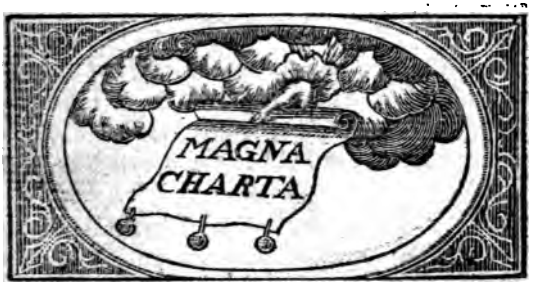
FROM

CHARLES LUCAS, M.D.

REPRESENTATIVE of the City of DUBLIN in PARLEMENT,

TO HIS

CONSTITUENTS.



Manus hæc inimica Tyrannis, LEGE *petit placidam sub* Libertate Quietem.

DUBLIN:

Printed at St. AUDEON'S ARCH, 1766.

my Fellow-Citizens and their faithful Representatives in the Common Council have, at all Time more especially upon the present Occasion, repose a Confidence heretofore hardly to be paralleled.

If a just Sense of my Duty did not conspi with my natural Inclinations to discharge the gre Trust and fulfil the most honorable Confiden reposed in me; these would lay me under new a indelible Obligations to exert myself, to the utmo of my Power, in the Service of such truly nob and worthy Masters.

I cannot therefore, content myself with the ordinary Duties of that Station, to which your free and generous Suffrages have called me; but I must hold myself for ever bound to watch over all your political Concerns; and while, with all due Respect and Deference, I receive, and purpose most religiously to observe, the Instructions of my most beloved and esteemed Constituents; I must, from Time to Time, offer them my Sentiments, on all public Matters, in which their Honor or Interest are actually or likely to be concerned.

In this, I shall never presume to dictate; That would be an Arrogance, of which I can never be guilty. But, as it will be no Presumption to say, that I have *laboured more abundantly*, than most of you, in studying the Institution and Constitution, the State and Interest of our Country in general, of our City in particular; it will be judged but one of the Duties I owe you, to offer my Sentiments to your Consideration, when any Thing of public, of national or civil Importance waits for your Determination. And this, I shall do with the same Freedom and Ease, that you will always find me ready to account for my political Conduct to you, who

who have the undoubted and sole Right to inquire how your Servant has discharged and fulfilled his Duty

It is not to be regarded, that any among you are ignorant of the critical Circumstances of this City, I may say of the whole Kingdom in her, upon the present Emergency. You must know, that the Capital of the Kingdom, the Eye and the right Hand of the Nation, wants a Governor, a Protector, wants a Redeemer. Would I could lay the Head so long wanted upon its Bed! But let the Head sit in Peace, and let us take Care of the Living.

Were it not for the Sake of the Public, you must all be, it would be absolutely indifferent to me, on whom your Election, into either Office, should fall. I can have no private Hope or Fear, no private Regard or Affection to the Men, no Regards, or to offend, any Candidate for either Employment. I have, indeed, often taken the Liberty to warn you of Such as you may not, could honestly with your Honor, your Interest, your Duty, your Solemn Oaths and other Engagements to Heaven, choose to represent this great City in Parliament, and I have also pointed out those Characters, which alone can demand, or, indeed adorn, the Voices of honest and free Electors. I need not at present trouble you with a Recapitulation of Small reasons, long since sufficiently promulged. Recently, you have Time enough to deliberate on the Choice of a Representative. It would be happy, if you had had but a little more Time allowed you, to deliberate more maturely and freely upon the Choice of a Member. But that, without your Knowledge or Consent, is fixed at a Short Day, and Time alone can throw light on the Disposition, in the Government of the City, have done right or wrong in having this

this very important Election, at ſo ſhort a Period; and whether this was or was not concerted by the great, to fruſtrate the known free Intentions of the Commons.

But, be this as it may, it is not fit that the Commons, or the well-intending Aldermen, for, ſuch I muſt ſtill hope there are, ſhould be taken unawares. If this were the Caſe, Silence on my Side, when the City has ſo much at Stake, would be a moſt unpardonable Crime. And therefore, without regarding whom it may pleaſe or diſpleaſe, I have reſolved to acquit my Boſom of this part of my Duty, by laying before you, whom you cannot, and whom you are, in Duty bound to elect, to fill the great and important Office of Recorder of this City.

It is ſpecially provided, by no leſs Authority than that of MAGNA CHARTA, that the CITY OF DUBLIN SHALL BE FREE. And free, indeed, ſhe muſt be, if it be not the Fault of her own Children, her Citizens.

While the ſeveral Offices of the City are filled with ſenſible, independent and free Men, the City muſt floriſh, muſt be free and happy.

But, whenever the Electors of the Magiſtrates and Officers of the City, forget or neglect the Principles of the Inſtitution, and, inſtead of chooſing, appoint Magiſtrates and Officers, without any Regard to the requiſite Qualifications, as private Affections or Prejudices, the Caprice of Faction, the Influence of the Great, or Self-Intereſt ſhall or may direct; farewel to the Liberty of the City! Freedom is but an idle name, a gaudy trapping, *that ſerves* only to cover or ſet off a Slave. Dublin

will

will then exist onely in name, and must become as venal, as much a prostituted Borough, as any of the disgraced neighbouring Cities.

This, you will say, is painting things blacker than they are. I hope, it is so. But, let it be considered, that every Man who gives a Vote for a Representative, a Magistrate, a Common Councilman, or an Officer for this City, whom Reason and Justice, or the first honest, secret Emotions of the Elector's Heart do not fully approve; as much as in him lyes, and in some Degree, brings this Metropolis to the sad Circumstances of a venal and prostituted Borough.

To secure the perfect Freedom of this City, every Magistrate and Officer should be perfectly free and independent. But this Freedom and Independence are in no City Officer more necessary, than in the Recorder.

This Officer is an Assistant or principal Judge in the principal Courts of this City. He is standing Council to the Corporation of this City; bound not onely to conduct their Suits with the Crown, as well as the Subject; but to counsil and direct the Conduct of the Chief and Subordinate Magistrates, and the Common Council, in Matters of Law. He is also the Mouth of the Body Corporate; for, he is to explane and assert the Rights of the City, in all Courts occasionally, and to pronounce and deliver the Addresses of the City to the King or his Substitutes in the Government of this Kingdom.

To inable him to discharge these weighty Trusts, to a complete Knowledge of the Laws of the Land, the Recorder should add a very perfect Acquaintance

quaintance with the History and Constitution of the City, an intimate Knowledge of it's Customs and Usages, it's Records, Charters, and Laws.

These are some of the material Requisites for a Recorder. Need I add, that he should be a Man of quick and clear Discernment, of sound Sense and Judgment, acquainted with foregne Languages, living and dead, and a perfect Master of the English Tongue? The Necessity of these are obvious to every Eye.

But, with all these, without other Requisites, your Recorder must be maimed and insignificant, an useless Burden or a perpetual Clog to the City. He must be a Man of the most just and nice Sense of Morals, Religion and Honor, of the most irreproachable and spotless Character, and of a Disposition, the most placid and humane, benevolent and merciful, as well as just.

And even if all these and many other requisite Qualifications were actually possessed by this Officer; he would yet be deficient, if he were not absolutely free and independent, totally unconnected with Parties and Factions, and perfectly clear of all Influence of Government: For, the City can hardly be free, or exert her Freedom to any good Purpose, while her Recorder, who is her Law Guardian and Protector, her Amanuensis, and her Mouth, stands under any Degree of sinister Influence, under any Sort of Awe of Power.

You will not, I presume, judge it Vanity in me to say, I know Something of the History, Constitution, Records and Laws of this City, and of the Rights and Privileges, as well as of the Duties of the Citizens. I need not say any Thing of my Zeal

Zele and Fidelity in the Service of the City; these have already received the most honorable Stamp of your Approbation.

You cannot then be ignorant of the Utility and Necessity of appointing another Member, as well as a Recorder, who is likely to agree in the Principles and Sentiments of the Member, you have already thought fit to approve, that they may all concur and draw regularly together in the common Service of the City, regardless of private Interest, or the Influence of Faction or Power.

If this be a desireable Purpose, which you must all confess; you will not think of coupling discordant Servants together: For, besides exposing your City to every Calamity to be dreaded from placeing a worthless Partisan in either of these Stations; from the Moment you elect a Man of Qualifications, Principles, or Connexions, different from those you do, or already have honored with your Approbation; from that Moment you use your utmost Means to tye up my Hands, and render me as much a Cypher, as when opposed, in the City, at Court, and in Parlement, by a former Officer of yours.----Is there among you a Man who can wish this?----It is impossible.

Look then among the Multitude, that lay Clame to this Office, and see how few there are that answer the necessary Description. Then, ask your own Hearts, whether you can or cannot, consistent with the Trust reposed in you, consistent with your Oaths and Engagements to the City, from any private Motive, elect a Man, in any material Instance, found disqualified? Whether you are not by your Oaths and every Principle of your Duty, bound *to choose the* Candidate, who comes nearest

the Teſt? Or to reject every Petitioner, till you find one fully qualified for all the juſt Purpoſes to be expected at the Hands of your Recorder?

If my private Sentiments were fully known to you, the Declaration I am now about to make would be unneceſſary. I ſolemnly declare, I have no Sort of private Pique or Prejudice to any of the Candidates, nor any Sort of Affection or Favor to one of them, but what their ſeveral Stations, general Characters, and Conduct in Life demand.

If I be rightly informed, there are many Candidates for this Office. As Candidates, they ſubmit themſelves to a rigorous Examination. Without this, you cannot pretend to elect; therefore, I conjure you, examine them ſeverally, ſtrictly, yet fairly, coolely, candidly, diſpaſſionately.

I know, and am known to, ſeveral of theſe Gentlemen, who, I hear, are Candidates. In their private Capacities, I love and eſteem ſeveral of them. Yet, if the beſt Characters, and my nearest Friends among them, ſhould appear to me, poſſeſſed of a Place or Places, at the Pleaſure of the Miniſter, whether compatible or incompatible with the Office of Recorder, I ſhould think him abſolutely unfit for the Office, nor ſhould I hope it poſſible for him and me to draw well together in the ſame Service.

It is to Demonſtration, clear to me, that no Officer of the Crown, even a King's Council, can conſiſtently be choſen to ſerve the City, in this Station.

There

There is nothing more natural than that Men ſhould, through Gratitude alone, be prejudiced in Favor of the Crown or the Miniſter, who promotes them to any Station. And this Gratitude, though often miſtaken, leads many a good Man to judge every Thing that is ſuppoſed to bear the Name or Sanction of the Crown or the Miniſter, juſt and good, and to believe it incumbent upon him to ſupport the Meaſure. A King's Council cannot, if he would, plead againſt the Crown; nor a King's Servant, againſt his Maſter or Patron. How then can any Man, who wiſhes the City to floriſh in Freedom, chooſe a Man into a principal Office in the City, who is not abſolutely inconnected with, and totally independent of Power? The City, it is true, is great, and has much in her Power; but the Crown is far greater, and has much more Power to gratify Avarice, Pride, or Ambition.

If then, Men choſen to this Office, quite inconnected with Power, have found it their Intereſt, when they could get no more from the City, to turn Tail to her, to neglect her Courts, to ſlight and to oppreſs her Citizens, and to turn and pay Court to Power; what is to be expected from Men choſen into this Office, who are confeſſedly pre-engaged in the Service of the Miniſter? Which are we to preſume, they will the moſt aſſiduouſly ſerve?

I find, a Report has been induſtriouſly ſpred, to which no Gentleman can well be ſuppoſed to give Credit, That a Perſon of a very high and ſacred Character has entered into a compact with a leading Gentleman of the Board; by which it is ſtipulated, to engage the Intereſt of the Great Man for electing the Alderman into Parlement for the City, upon his ſecuring the electing the Great Man's Relation, *Recorder.*

It is neither just nor charitable to suppose a Person, who has supported the Character of a Man of Probity and Worth, in private Life, capable of offering, or permitting to be offered to him, especially in so exalted a Station as that he now fills with Dignity, a Compact of so base, so infamous, so wicked a Nature. The Charge is therefore industriously, and I dare say as truly, denied by the Great Man and his Ftiends.

And yet it is most certain, that the Men, whose holy Offices should set them above all worldly Matters, condescend for a While to lay aside the Care of their Flocks, out of pure Love to the Citizens of Dublin, and to interfere in their Elections of Officers and Members of Parlement. These Men of God have often distinguished their Holiness most eminently upon former Elections in this City. They failed not to speak, write, and even preach for or against the Candidates, agreeable to the Will of their Patrons, though against their own private Sense aud Judgements. They have even been some Time known to head Mobs, with Clubs, instead of Crosiers in their Hands, and Laurel, iustead of the Rose, Olive or Palm, in their Hats, to support Ministerial Measures, subversive of the Freedom and Rights of this City and Kingdom. This clerical Condesension never was known to go further than at present, in the peaceful and secret Way of Solicitation; for though the reported Compact be absolutely disclamed by their Patron; they assiduously go about and use every Kind of Influence, and offer every Kind of Return in their Power, to procure the Election of their Patron's Kinsman. This may, for ought I know, square with the Rules of modern Divinity; but sure I am, it is not agreeable to any Rule of Christianity, Justice or good Policy, that these Men should

meddle

meddle ſo much in thoſe temporal Matters, which of Right belong to the Laity; while theſe *Beaſts of the People*, as a late *Martyred* Prelate called the Laity, are excluded from all Share in Spiritualities or eccleſiaſtical Government.

But, ſince this holy Claſs muſt be officiouſly meddling in all our Elections, and offering illicit Compacts, unauthoriſed, diſclamed and condemned by their Patrons; it is your Duty to give no Attention to their Politics, and to guard againſt their Artifices and Wiles, though covered over with Ermin or Lamb's Skin, He that would make the proper Uſe of Lawyers and Prieſts, muſt keep the one to his Brief, the other, to the Bible.

The Office of Recorder, well attended, can leave little or no Vacation to fulfil the Duties of any other Office. So that, with this, every other Office muſt, in one Degree or other, interfere, and ſome muſt prove abſolutely incompatible. No Layman can have a better Right to Pluralities of Places, than Parſons to Pluralities of eccleſiaſtical Preferments. Plurality of Wives may be as reaſonable, though not ſo legal or politic, as plurality of places. And I muſt confeſs, I cannot ſee how it can be reconciled to the Duty of a ſenſible and good Citizen, to give his Vote for appointing a *Weigh-Maſter* of another City, at a conſiderable Diſtance, the *Clerk of the Crown* of a neighbouring Circuit, the *Seneſchal* of a *Lord's Mannor*, or the *Preſident of the County Court*, adjoining the City, or a *Commiſſioner of Appeals*, each payed by, and held at the Will of the Crown, Recorder of the Capital City of the Kingdom, on whoſe Freedom and Independence, the Liberty and Well-being of the Whole evidently depends.

So

So much for Place-men. It will ſerve full as well for Penſioners, and other Dependents.

With reſpect to the as yet unplaced and unpenſioned Candidates, let their reſpective Educations, Diſpoſitions, Manners, Qualifications and Characters, as Gentlemen, as Lawyers, or as Members of Parlement; be ſtrictly and juſtly examined, weighed and compared; then let each Elector coolely judge, who is fitteſt to be Recorder. And determine, if any man can deſerve the Name of a Freeman or good Citizen, who votes upon any other Principle or Motive.

This Officer may be in Effect, reckoned the chief Magiſtrate of this City, as he muſt be ſuppoſed the principal Counſillor of the Lord Mayor, as well as of the ſeveral ſubordinate Magiſtrates.

Every Man knows, that the Weight, the Dignity and Authority of the Magiſtrate, in a great Meaſure, depends upon the firſt Impreſſions made upon the World, by his Education and Manners, his Conduct and Character, in private Life.

If then, a Man proves by his Addreſs and Manners, that he has not had the Education of a Gentleman; if he cannot ſpeak common Senſe, in common Engliſh; if he cannot write an Advertiſement or a Letter, conſiſtent with the ſimple Rules of Grammar and common Senſe; can he be a fit Man to place at the Head of the capital City of the Kingdom? None but ſuch as himſelf can think ſo.

If any Man, lawfully convicted of atrocious Offences, or of diſſolute Life or Morals, ſhould preſume

presume to offer himself, and sure there is none such among the present Candidates; would it not be a gross Affront, an Insult to every Elector, whose vote he asked?---Would not his Solicitation shew, that he believed the Electors of a piece with himself? or that they made no distinction between Vice and Virtue? What man of Sense, morals or good Policy, could prostitute a Vote to a profligate, if such should presume to solicit?

If any Candidate should solicit for your Favor in this Election, upon the sole Merit of his Father or Ancestor; you may well tell him, the best of those had little enough for himself, and that it is a kind of Sacrilege to rob the Dead. Let every *Tub stand upon its own bottom.* But, if one of this cast should partially quote the little Merit of his Ancestor, and tell you he was *Aldermanned*, *Mayored* or *Knighted* for his *Whiggism*, it is yours to finish the boasted character, if he chuses to stop short. I beg to be excused from the disagreeable task. When you make it out, vote for a Recorder upon this footing, if you can.

Shall I go further and speak of purchasing, of bribing Candidates? O! no; their proposals bring with them their own condemnation. Let them slumber in Dust and Oblivion!

Thus, should I make objections to such characters, if such were found among the Candidates. But I hope there are, or will be, none such, at the Day of Election; therefore, these characters can onely be judged ideal, and as such, can give no real and meritorious Candidate Offence.

I should now turn to the more pleasing Part of

my

my Taſk, the pointing out the Qualifications and Excellencies, of the ſeveral Candidates. But, want of ſufficient knowledge of moſt of them, prevents this; beſides, it can hardly be neceſſary among perſons of ſuch conſpicuous Merit.

Moreover, it may be unfit to grate the modeſty of ſome Gentlemen; whoſe qualifications, conduct and characters ſpeak ſufficiently in their Favor.

But give me leave to explane the motives and the Manner of my conduct, with reſpect to one of theſe Gentlemen. And, I hope, he will forgive me, when he finds that Self-juſtification will not permit me to ſpare his Bluſhes.

I have had Opportunities of knowing this Gentleman from his firſt ſetting out in life. I have known his Application and Attention to his Studies, and the company he kept. And upon many trials, I have ſeen the fulleſt proofs of the man of learning and ſenſe, of knowledge and Judgment in his Profeſſion, of ſtrict morals and Honor, of public Spirit, Humanity and Generoſity.

Your Calls brought me from the Manſions of Peace and Plenty, where I firſt knew this Gentleman, to this City, where I found he had, at my arrival, been ſome time called to the Bar, and had already gained the good Opinion of many Perſons of ſenſe and judgment, eſpecially in his own Profeſſion.

Soon after my arrival, he gave a new and ſtrong proof of his Generoſity and Public Spirit, as well as of his Abilities, upon the general Election; at which, he offered his Service to the free and independent

pendent Electors, attended the whole tedious Election, and asserted and maintained the Rights of the Free Electors, and canvassed and scrutinised the Votes of the others, with all becoming Penetration, Judgment, with Zele and Fortitude, tempered with Modesty and Benevolence. And all this, without accepting any Acknowledgment either from the Electors, or from me. And for this signal Service, neither the free Electors or I could be supposed so ungrateful, as not to think of him for the first Vacancy of the Recorder's Office.

These, and these only, my Good Friends, were and still are my Motives for recommending this Gentleman to the general regard of the City, and particularly to the Common Council, at this critical Conjuncture.

But a mere Sense of Gratitude could not have carried me thus far; I could not recommend my nearest and dearest Relation or Friend to you for this important Office, if I did not think him in all Respects fully qualified for the Task, as a Lawyer and a Gentleman, as well as from his being free and independent in his Principles and in his Fortune, and clear of all Connexion that might biass his Judgment, or otherwise injure the City or Kingdom.

If I knew a Man that would accept of the Office, fitter for the Trust than this Gentleman, I should most readily recommend him to you; and if upon a fair and impartial Consideration, you find one of better Parts and Ability, more free from the Influence of faction and power, more independent in fortune and principles, more likely to give himself up totally to the Service of the oppressed City and

Corporations, to vindicate and aſſert the Rights and Liberties of the City, to reſtore the Courts to their antient Weight and Dignity, and to eſtabliſh peace and Concord between the long-contending parties in this City, I ſhall readily concur with you, and heartily approve your Choice. But if ſuch ſhould not appear; I muſt think you bound in Juſtice, in Honor and in Conſcience, to give your free Suffrages to this free Gentleman.

I have not viewed this gentleman in a partial light. I have ſtrictly examined every ſide of his Character. I diligently ſought for ſuch Exceptions as might be offered with any weight againſt him. I expected to learn theſe from his Enemies. But Enemies, I found none. I looked among his Competitors, and there, indeed, I found two grand, and the only, Exceptions made to him. You will be ſurpriſed to hear them. How ſhall I ſeriouſly name them to ſenſible and diſpaſſionate Electors?—One is, that he is too young; the other, that he is a friend of mine and recommended by me.

As to his Age, Outward Appearances, I confeſs are againſt him. His fathers, it ſeems, *eat not of ſour Grapes, whereby their Children's Teeth might be ſet on Edge,* He has inherited no Diſeaſe from them; nor has he been faſhionable enough to have got any diſtemper by his own Acquiſition. Neither Malice or Envy ever found footing in his breaſt. His Countenance is an open Index to an heart, where good humour and good nature, with Calm Serenity, uninterrupted with corroding Cares, ſecurely dwell. No wonder then, his form ſhould

ſhould not be bent, or his Brows furrowed with the premature marks of age.

This may hurt him in the eyes of thoſe, who meaſure underſtanding and judgment by the real, adventitious or aſſumed appearances of Age, the moſt precarious proof of Senſe. But this is a moſt idle and ridiculous objection. Let him be brought to the proper Teſt, and judge upon fair trial, not by outward appearances. It is certain, if age be meaſured by the length of practice at the Bar, that this Gentleman is, by years, of longer ſtanding than ſome of the Candidates, who ſtart this unmanly Objection.

The next, indeed, I fear, is of greater weight, with ſome people. He is my friend, the friendſhip is mutual, and it muſt be permanent, becauſe it ariſes, not like what is commonly profeſſed, from *a Confederacy in Vice*; but is founded on the unalterable Principles of Virtue. Upon theſe Principles, and theſe only, I do, as far becomes me, recommend him; no further.

It is ſayed, my Recommendation will hurt him. I muſt yet be too charitable to believe it: For, if it does hurt him with others, it ſhould eſtabliſh him in the affection of the Commons, unleſs ſome better Cauſe can be aſſigned.

It is a trite, and often proves, a true ſaying, that *thoſe who injure a man, never forgive him*; while the Oppoſite holds as juſt, that *the injured Man often forgives the Offenders and forgets the Injury.*

Time will ſhew how applicable theſe Adages are to the Board of Aldermen and to me. I never gave theſe gentlemen, nor any of them juſt cauſe of Offence. I confeſs, not without ſome Exultation, that I was the firſt who opened and expoſed the Tyranny and Uſurpation of the Board, in the City, and layed a foundation for the Reformation, which has ſince, partly taken place. So that the Voice of the Legiſlature has ſince proved, I was, at leſt in part, in the Right.

The Voices of the Free and Independent Electors called me home, and veſted me with the important truſt I now bear, in the diſcharge of which they have ſo often honoured me with their Approbation. I was ſince choſen a Common Council-man; and in my Conduct in that Station gave no good man offence.

Although the whole, and every individual of the Board thought it fit to ſet themſelves againſt me, in theſe Elections; yet, I dare appeal to them whether my Conduct in either Station did not prove a juſt Diſpoſition to Reconciliation, to Peace, Harmony and Amity. I challenge my direſt Foe to ſhew the Inſtance where a good Meaſure, propoſed in the Commons of the Nation or the City, whether come from a Miniſter or an Alderman, ever wanted my utmoſt, though feeble Aſſiſtance; or where a bad Meaſure, offered by friend or foe, wanted my zelous oppoſition.

If my Satisfaction were not allayed with surprise and Concern at what has since passed; I should with pleasure reflect, that till the Corn Bill passed before Christmas last, my Conduct, both as a Member of Parlement and a Common Council-man was fully approved, or seemed to be approved by the Board of Aldermen. They must have seen, that in my political Capacity, I made no other distinction than what was just, between the Aldermen and Commons, and that I labored upon all occasions to unite both parts of the Assembly in Sentiments and one Common Interest. They acknowledged it. And so far was I intrusted with their Confidence, that the Leaders of the Board and the Recorder joined in recommending me to the succeding Assembly for a Common Council-man.

I would beg leave to ask these Gentlemen, how just they thought it, that their Recommendation of me obstructed their Intentions? If they were in earnest and in the right, I was the same man, I was before I was distinguished by their Recommendation. And if they were but counterfeiting and actually wrong; I could not be the worse for a pretended Recommendation. May not the same be sayed, with respect to my Regards for Mr. Dunkin? If I be right, it is an Argument in his favor; if wrong, his merit can not be lessened by my Attachment, whether well or ill founded real or pretended.

If the Gentlemen are disposed for Peace, and for promoting the true Interest and Honor of the City, and just Concord between the Governing Parts of the Corporation, as I must now suppose and hope

they

they are; they ſhall ever find me ready to forgive and forget what is paſſed, and to concur with them in every juſt and proper Meaſure, and that with the ſame diſpaſſionate and diſintereſted Views, that have hitherto animated and directed my Conduct. It will then be the duty of every good Common Council-man to join and heartily to promote theſe happy Views.

But, if they ſtill arrogate to themſelves powers derogatory from and inconſiſtent with thoſe of the Commons and Citizens; if they think proper to perſiſt in their late extraordinary Unanimity in oppoſing, oppreſſing, abuſing and vilifying me, and the Commons and Citizens in me; Sel-defence and Self-juſtification will authoriſe and require other Meaſures at our Hands, and it will then become incumbent upon the Commons and Citizens to unite and by all lawful Means, to oppoſe and reject all their bad purpoſes and Meaſures.

But, I hope the time is at hand, when they will make all Oppoſition and Conteſt unneceſſary in the City; that we ſhall be no longer like *an houſe divided* AGAINST ITSELF, which can never ſtand ſecure; but that we ſhall all, in our reſpective Spheres, bear and forbear with each other, unite firmly, and by that Union become ſtrong enough to aſſert and maintain the Rights and Privileges of the City and Citizens, againſt all Enemies domeſtic as well as foregne.

I ſolemnly declare, this is my principal wiſh and my mean Intention in recommending a Man, who ſtands inconnected with and independent of Power, a man, who muſt hold an equal Indifference to Aldermen

dermen and Commons; a Man, who is incapable of ſetting himſelf at the head, or even of becoming a Member, of any faction in the City; a Man, who can no more join with the Commons againſt the Aldermen, than he can uphold the Aldermen againſt the Commons, but would certainly look upon himſelf, as the Servant, not of a part alone, but of the whole; a man who, inſtead of widening, would repair the Breaches made between the governing Parts of the City; a Man, in whom the Corporations would find an affable, benign and zelous Advocate, and the Poor, a faithful Friend and Protector.

Such an Officer could not fail of making the City fully anſwer the Definition of a Body Politic and the great Ends of the Inſtitution. Such an Officer would bravely oppoſe himſelf to every Incroachment on the Liberties of the City, to every Violation of the Rights and Privileges of the Citizens, alike regardleſs of the Frowns, Favors and Menaces of the Miniſters of Power. Can this be expected from dependent Placemen or ſlaviſh Penſioners?—Let every day's experience anſwer this Queſtion.

Let then every worthy Alderman and Common Council-man weigh theſe Conſiderations coolely and diſpaſſionately. Their Declarations and Determinations on Monday next will prove of greater Importance, than any that have yet fallen before any Member of either Board. More depends upon the preſent Election of Recorder, than perhaps upon any that has been made in the memory of any man living. Is there an Alderman, a Sheriff, a Sheriff's Peer, a Commoner or a Citizen, who does

does not earnestly wish and long to emerge from the Slavery that has so long disgraced all parts of the City? Whose Heart does not yearn to see the several Branches of the City, with the Administration of Justice in the City Courts restored to their just Rights, Dignity and Authority?----Who loves his King and Country, and does not ardently desire to see the Name of Freeman made an honorable and advantageous Distinction?

Can you hope for these and the many other of late suppressed Advantages being restored by any other means, than the happy Concurrence of the Members with the Recorder of this City?----Can you expect these Benefits from Courtiers? from Placemen or Pensioners? from Purchasers of Employments or Bribers of Electors?----Good Citizens must maturely weigh these things, before they give a Vote, which they can never recall, and on which, the fate of this whole City depends.

But whoever you determine to choose into this Office, it is incumbent on you to use some means to keep him closely connected with the City: The Office is lately made, contrary to the Institution, and to the antient Laws and Customs of the City, in effect, for Life. The Recorder may now become a Placeman, a Pensioner, a Courtier, a Slave, and almost totally neglect and contemn the City and the Citizens, without your being able to remove him. As human Nature is frail, let me advise you to reduce the standing Salary to what it formerly was, before the late Recorder got an Augmentation. Then to keep up the Dignity of the Office, give any Augmentation you judge proper, but let it be done annually,

nually, upon a Petition, which you may either reject or grant, as you shall ſee juſt Cauſe; and thus the Office will, in effect, ſtand upon the antient footing, which was, and no Doubt, ſhould ever be, *during the City's pleaſure.*

Now let me cloſe with a word or two in further juſtification of my Conduct upon this Occaſion.— If I did not wiſh to ſerve you further, I ſhould not wiſh to have a Recorder or another Member choſen to co-operate with me. I ſhall never grow weary of your Service, while you, by generouſly aſſiſting and ſupporting your Servant, prove you deſerve every good man's care.

If you chooſe a Recorder on whom you and I may rely; my taſk will be inlarged. But if you chooſe a Recorder and a Member in whom I cannot confide; you at once tye up my hands and make me more uſeleſs than ever, amidſt the moſt fervent Zele and faithful Intentions to ſerve you. And though your late Conduct to me binds me for ever to your Service, and makes it impoſſible I ſhould quit my taſk or the kingdom for a Day, while you continue in the ſame diſpoſition; may I not conſider your appointing men to theſe Offices, of different Sentiments, Diſpoſitions and Connexions from mine, as a kind of diſcharge from your Service.

I thought it my indiſpenſable Duty to lay all theſe Matters open to your View, as far as time and circumſtances could admit.

I find I am charged with having introduced my Friend to the Electors, and ſolicited and aſked Votes for him.

To this, I answer, that I did attend Mr. Dunkin to most of the Commons, with whom I was acquainted. Where I had an Opportunity, I gave a Sketch of his general Character and my Motives for wishing he was Recorder of the City.

I thought it the Duty of my Sphere to do this; and I was confirmed in my opinion, by finding, that several had generously declared, they would take my Recommendation of Persons to fill one ot both the vacant places. In gratitude to this new Instance of the Confidence of my Fellow Citizens, I thought myself bound to attend them. And I call upon them to attest my Conduct upon the Occasion; whether I received or looked for a Promise, or offered any kind of unjust or unfair Influence. Those who are pleased to recollect my Conduct, when I stood twice a Candidate for this City's Seat in Parlement, will testify that so far from exforting or asking Promises from the Electors, I relinquished and cancelled those that some generous hearts voluntarily intrusted me withal, and advi ed them to keep themselves absolutely disengaged and free, till they came to tender their Votes in open Court. It is hardly to be imagined, I could break through a rule for another, which I observed and enjoined with respect to myself. And I hope, I shall now see this golden rule still more strictly observed by all Electors; since he who is by force, fraud or artifice, surprised into a promise against the interest of his Country, and his own Judgment and Conscience, has no way of attoning for his Error, but by taking the first Opportunity of breaking through the illicit or unjust engagement. A wise man however will be cautious in reducing himself to this disagreeable Alternative.

I cannot

I cannot conclude, without taking notice of a circumſtance in the Advertiſements of the Candidates, which ſeems to deſerve ſevere animadverſion. Why do theſe Gentlemen in an Addreſs to this City, haul in the Word *Aldermen*, which never yet made a part of the Titule of the Corporation? Can Candidates for the Office of Recorder be ignorant of this? To what cauſe then ſhall I aſcribe it? —If I were inclined to be ill-natured, I ſhould call this a little piece of mean, ſervile flattery. But I ſhall not pronounce it ſuch, till I am informed, whether or not they introduce this word in their Petition. If any man does, he muſt fall under my Cenſure and ſhould under yours; for, it is a ſufficient Cauſe for rejecting the Petition; it does not, it can not come before the General Aſſembly of the Body Corporate of the City, whoſe titule is onely, the LORD MAYOR, SHERIFFS, COMMONS and CITIZENS. And as there is no ſuch body politic known by the ſtile of the LORD MAYOR, ALDERMEN, SHERIFFS, COMMONS AND CITIZENS; if a petition with this or the like Addreſs, ſhould paſs the Board, it is the Duty of the Commons to reject it, not onely for the miſnomer, but for it's evil tendency.

I would not be thought by this to deſire to aboliſh the word or the Inſtitution of Aldermen. There is no man, who wiſhes more to veſt all proper power in the Board and to reſtore it to juſt weight, Dignity and Authority, than I. They were the Uſurpations and Abuſes, not the lawful and juſt Power and Authority of the Board that induced me at any time to oppoſe or expoſe that Body. I ſhall ever be ready to give them due weight and a proper ſhare in the Government of the

the City, and to make them as respectable a Belief of Magistrates, as the worthiest of the Board can wish; and I shall heartily concur in endeavouring to fix this Corporation on the same respectable footing with that of London, where the Titule is, Lord Mayor, Aldermen and Common Council. But till the Crown or the Legislature, which alone can alter the titule or the Powers of a Corporation, shall in due Course make this Addition to the titule of the City, I shall think it my Duty constantly and uniformly to oppose an Incroachment even in name. I mean no more, and think you can do no less.

Though I repose the most boundless confidence in your good Sense, public Spirit and Integrity, I cannot help lamenting, that there was not a little more time given You to deliberate on the choice of this important and great Officer. If this could have been, I am persuaded the weight of your several Corporations would have seconded your good Intentions, by spirited Instructions. But, I hope, the Board of Aldermen will now prove themselves the *real*, not the *spurious* parents of the City, and not suffer their *Child* to be *divided* and *broken in sunder*. If this be the Case, we shall all again unite in perfect peace, Concord and Amity, and all be free and happy, to contribute to which, is the sole Aim and Ambition of,

My most honored and beloved Countrymen, Fellow-Citizens and Friends!

Your own,

C. LUCAS.

HENRY-STREET,
June 18th 1766.

THE RIGHTS AND PRIVILEGES OF PARLEMENTS

ASSERTED UPON

CONSTITUTIONAL PRINCIPLES;

AGAINST THE

Modern ANTICONSTITUTIONAL Clames of CHIEF GOVERNORS,

To take Notice of, Animadvert upon, and Proteſt againſt the Procedings of either Houſe of Parlement.

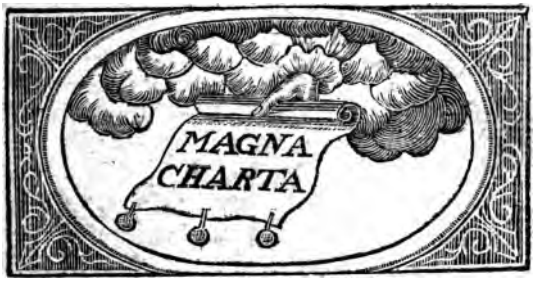
HUMBLY ADDRESSED TO

His Excellency GEORGE, Lord Viſc. TOWNSHEND, Lord Lieutenant General and General Governor of *Ireland*.

By C. LUCAS, M. D.

One of the Repreſentatives of the City of DUBLIN in PARLEMENT.

THE SECOND EDITION.



——— *Manus hæc inimica* Tyrannis
LEGE *petit placidam ſub libertate quietem.*

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THE

RIGHTS AND PRIVILEGES

OF

PARLEMENTS, &c.

My LORD,

ALTHOUGH the civil Intercourſe, which ſhould ſubſiſt between the Chief Governor and a Member of the Legiſlature, has long been broken and interrupted between your Excellency and me, and that, by means not unknown to your Excellency; yet, whilſt You hold the Title and Rank, though apparently without the Power, of the King's Vice gerent, You muſt expect to be called upon, amidſt the direful Diſtreſſes and Diſtractions, in which this Kingdom, now, in common with the reſt of his Majeſty's Dominions, has been involved, by the preſent Adminiſtration.

Though your Excellency has wisely declined ordering a Copy of your late remarkable Speech, and no less remarkable Protest, to be given to the House of Commons, I have, not without Surprise, read both. And I do not hesitate at assuring your Excellency, that had the Parlement been permitted to sit, I should have moved for information, who were the Advisers of the late most extraordinary exertion of the Prerogative; and then, for a proper Censure of such Counsellors, were they to be found within the jurisdiction of our Legislature, as were capable of giving advice, at once so unjust and so dishonorable to the Crown, and so injurious to the Freedom of Parlement and the Rights of the People of this most loyal Kingdom.

I do not presume to question the Prerogatives of the Crown: I am for supporting, to the utmost extent of the Institution, the honor, dignity and security of the Crown, on the one hand, and the Freedom, Rights and Happiness of the Subject, on the other.

But, give me leave to observe, my Lord, that the word Prerogative, so frequent in the mouths of Ministers, is generally abused, and seldom well understood or applied. It is fit we should agree upon it's proper meaning: It is then, a peculiar privilege and power, inherent to the regal office, coeval with it's institution, and cannot be applied to particular powers, vested in the Crown by modern Statutes. Each Estate of the Legislature has it's prerogatives, and so has every individual member of the Community, but under different appellations and modifications.

I am taught, by our best Politicians, however, to look upon the Prerogative of the Crown and the Power and Authority of Parlement, to stand equally limited and upon the same foundation.

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The first Estate, or Executive Power, seperately, and with the two other Estates of the Legislature, conjointly, are, no doubt, severally authorised by the Constitution, to do all possible Good, in their Respective Spheres; but they are by no means impowered to do wrong to each other, to any of the parts, or even to any individual, of the Community.

The King's power of calling, proroguing and dissolving Parlements, at discretion, no Subject in his Senses will presume to deny, or even wish to abate; because it is a power necessary to the whole, which cannot be vested in better hands. But if, under the influence of designing, ignorant and corrupt Ministers, this power should be exerted, as it has been heretofore, to interrupt the just and necessary procedings of Parlement, or to punish Parlements for a just, loyal and constitutional discharge of their duty; it must, as it has ever done, cause murmurings and complaints, and in the end, bring to condign punishment, the Advisers of the precipitate and injurious Measure.

For, though the Maxims in Law, that *the King is without Spot, Blemish or Imperfection*; and that *He can do no Wrong*, are held sacred in every part of the Dominions of the Crowns of these Kingdoms; most parts have often found it too evident, that these Maxims have been reversed, in the Minister. He has seldom, if ever, been seen, *without Spots, Blemishes and Imperfections*, and so *prone* has he been found to do *evil or wrong*, that it has been a question, before your Excellency's auspicious administration, whether he had power to do *Good or Right*.

This inverted or reversed Maxim has so fully been experienced, in this Kingdom in particular, that, except in your Excellency, we can hardly

 find

find, that any Vice-roy has had full power of doing Good or Right here; though many, before your Excellency's time, have given the most ample proofs of the fullest Powers, as well as Dispositions to do us every wrong and every injury possible.

The Power of Parlements, my Lord, stands upon the same limited foundation with the regal Prerogative; it is boundless in doing every Good, to itself, to the parts and to the whole of the Government; but it's power must undoubtedly be confined to these fundamental principles of it's institution, otherwise, the Creatures might destroy their Creators; Parlements, instead of improving, strengthening, supporting and preserving, may change, overturn, or abolish, the established Constitution.

Another essential principle of our Policy is necessary to be stated to your Excellency; which is, that *none* of the three Estates is to *interrupt*, *take notice of*, *or interfere with*, the Deliberations of the other, until they are imparted in a constitutional way. And then, neither can *presume* to *censure* or to *animadvert* upon the Conduct of the other.

In all the inlightened ages of our Constitution, under all wise Kings and free and virtuous Parlements, this Principle has been most religiously observed. And whenever it has not been duly attended to, endless confusion and anarchy have ever ensued. To a person, so well versed, as your Excellency is, in the history of England and it's Parlements, this needs no fuller illustration.

While the proper Attention to this Principle, preserves the necessary balance between the three Estates; either house considering, debating and proposing to the other, and both concurring in the Act, before it is offered to the first Estate for the

royal

royal aſſent, without which, it cannot obtain the force of Law; no evil can be done by any one of the Eſtates, to the other, or to the Community at large; becauſe the Orders, Rules and Reſolutions of each houſe, without the Concurrence of the other two Eſtates, can bind it's own members ſolely.

A Parlement can not ſubſiſt without abſolute freedom of ſpeech and debate. There can not then exiſt a power, that can *legally controll, interrupt, or influence* the Debates or Deliberations of either Houſe, much leſs *cenſure, or animadvert upon* the Conduct, or Deliberations of either. Even the firſt Eſtate's *taking Notice* of the Proceedings of either houſe of Parlement, before they were layed before him, in a regular, conſtitutional manner, has ever been looked upon as a Violation of the Rights and Privileges of Parlement; ſo juſtly tenacious have they ever been of this ſacred, fundamental principle.

Your Excellency will readily concur with me, that theſe are ſome of the Eſſential Principles of the Britannic Conſtituiion. I am now to ſhew your Excellency, that this is the Conſtitution of Ireland.

I ſhall not, at preſent, trouble your Excellency to look back into the antient Records, ſince Henry the Second's eſtabliſhing the *Modus tenendi Parlementum*, and the general Conſtitution of England, in this Kingdom, by the Common Conſent of the then Powers of the Kingdom; I ſhall confine your view to later times, and to the regne of a Prince and the Adminiſtration of a Vice-roy more agreeable to your Excellency and that worthy Predeceſſor of yours, whoſe conduct has been made the pattern of your proceedings, in a moſt material inſtance.

Your Excellency will readily see, I allude to the Regne of Henry VII, and to the Governments of Sir *Edward Poynings*, and Lord *Sydney*: The later of whom partially quotes the Laws of the former, glances at a Statute of Philip and Mary, and makes the Precedent, which your Excellency is pleased to ascribe, with *immortality*, to the late King William.

Whenever the Laws of *Poynings* are mentioned, by those, who wish not well to this poor Kingdom, it is very remarkable, they pitch upon that Statute or Chapter alone, which now, though but by misconstruction, proves injurious and burdensome to this Kingdom; while they choose to overlook all that are found so really beneficial to the Country, as to render both that King and his Minister, the objects of the grateful remembrance of the People of Ireland.

Let me then remind your Excellency, that In the tenth year of the regne of Henry the Seventh, when Sir Edward Poynings was his Deputy, an Act passed, making, *all the Estatutes, then in force in the realm of England, concerning or belonging to the common and Public Weal there, to be henceforth deemed good and effectual in the Law, and be over that accepted, used and executed in Ireland, in all points, at all times requisite, according to the Tenor and effect of the same; and over that, by the same authority, that the said Estatutes and every of them be authorised, proved and confirmed in Ireland. And if any Estatute or Estatutes have been made within this said Land of Ireland, hereafter to the contrary, they and every of them, be revoked, void and of none effect in Law.*

By this neglected and overlooked Statute, my Lord, I humbly conceive, that all the Rights, Liberties, Privileges and Immunities, which England had then enjoyed, or clamed under any Statute,

from

from the Charter of William, called, the Conqueror, to those of John and Henry the third, for these are all Statutes declaratory of the common Laws of England, and so on, through the regnes of the worthiest of the Edwards and Henries, down to that of the seventh of the later name, are enacted and established in Ireland, by an authority, equal to any that can be clamed in England, that is, the common Assent and Consent of King, Lords and Commons, in Parlement assembled.

Thus, my Lord, I apprehend, the Political Constitution of England, was in due form of Law, in positive, express terms, made the Political Constitution of Ireland, and, as much as in that Parlement lay, guarded from all abatement or alteration, passed or future.

If the Position, respecting the Power of Parlements, which I have laid down, be allowed the expected weight with your Excellency, the Act of this regne, upon which your worthy predecessor, Lord Sydney, and your Excellency lay so great a Stress, is in itself but a mere nullity, and derives it's authority onely from the power, by which it is inforced.

If Deeds or Statutes, respecting the lives, the health or the properties of Individuals must be made in most clear and expressive words, and are, by Law, to receive the most natural and liberal construction; such as are made to take away men's rights, in such essential points, as civil Liberty, which is their political Life, to alter the national constitution, by express, unquestionable terms established; should, certainly, of all others, be the most clear, distinct and expressive, and should admit of no degree of ambiguous, unnatural or illiberal Construction.

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The Law of Poynings, on which your Excellency's worthy Predecessor and You lay so great a Stress, was then, perhaps, not unnecessarily contrived to prevent unjust, partial and bad laws being made, by wicked Governors and factious Leaders, in packed, surprised or deceived Parliaments, in different parts of this kingdom, as the designing Leaders directed. To obviate the many mischiefs arising from such evil practices, and to prevent the Irish Interest's gaining the ascendency over the English, in this kingdom, it was judged expedient to enact, *that*, after the present, *no Parlement shall be holden in the said land, but at such Season, as the King's Lieutenant and Council there, first do certify the King, under the great seal of Ireland, the Causes and Considerations, and all such Acts as then seemeth should pass in the same Parlement, and such Causes, Considerations and Acts, affirmed by the King and his Council, to be good and expedient for the said Land, and his licence thereupon, as well in affirmation of the said Causes and Acts, as to summon the said Parlement, under his great seal of England had and obtained; that done, a Parlement to be had and holden, after the form and effect afore rehearsed. And if any parlement be holden therein hereafter, contrary to the form and provision aforesaid, it be deemed void and of none Effect in Law.*

These are the Terms of the Statute, quoted by the Lord Sydney, and by your Excellency, of the 10th of Henry VII, Chapter IV. I appele to your Excellency's Judgement, whether the passing this Statute, artfully as it might have been contrived for the dark and confused Times, in which it was made, is not an Exertion of Power, beyond any, which Parlements can lawfully enjoy, an actual overturning of the Constitution? Whether it is not directly opposite to that of the same Year, of the same King's Regne, Chapter XXII? Or, whether this

this does not, virtually if not actually, repele that? And, that the former Statute could not possibly be observed, appears from the several Suspensions and Repeles of it, in subsequent Regnes, as well as from the great and material Alterations made in it, the 3d and 4th of Philip and Mary, Chapter IV.

It must, indeed, be confessed, that in earlier Ages, after the passing the Law of the fourth Chapter of the tenth of Henry VII, the manifold Inconveniences attending it since, were not at first discovered: As the King and the People, in those Days, had but one common Interest, they had but one common Desire. It could not then, answer any Purpose to the King or his Ministers or Council, to deny the People the Benefit of a Parlement, nor any Laws for the Security of their Lives, Liberties or Properties, or for their better Government. And, as the Council was then, generally appointed of Men, the most distinguished for their Rank and Fortune, their Wisdom, Fidelity, Loyalty, and Disinterestedness, in both Kingdoms, the People were naturally, if not insensibly, led to bear what by Over-stretching and Misconstruction, in subsequent Regnes, proved a Snare and a Yoke.

The Parlements of Henry the eighth and Elizabeth therefore, made free with this Statute, suspended, explained, expounded or repeled it occasionally. And in the Regne of Philip and Mary, it underwent the Explanation, under which alone, it is to be observed since; though this Statute seems to have been quite over-looked by Elizabeth.

As your Excellency's worthy Predecessor, Lord Sydney, and You, after his laudable Example, seem to think this Statute countenances your *Notice of, Animadversion upon, and Protest against* the late Procedings of the House of Commons, give me leave to bring it more fully to your View; that you may more clearly see, how far it may answer the

Purposes

Purpoſes of your Excellency and your noble Predeceſſor.

The Act of the 3d and 4th of Philip and Mary, Chapter iv, reciting the Act of the 10th of Henry vii, expounds and inlarges it; 1. In adding to the Power of the King, of paſſing ſuch Acts as are certified, that of the Change or Alteration of them; 2. In impowering the Chief Governor and Council, during the ſitting of Parlement, to certify all ſuch other Conſiderations, Cauſes, Tenors, Proviſions, and Ordinances, as they ſhall further think good to be enacted and eſtabliſhed, at and in the ſame Parlement, within the ſame Realm, to the King, *&c.* which Cauſes, Conſiderations, *&c.* or any of them, ſo certified and returned under the great Seal of England, and no others, ſhall and may paſs and be enacted here, in every ſuch Parlement, in Caſe the ſame Cauſes, Conſiderations, *&c.* or any of them, be agreed and reſolved upon by the three Eſtates of the ſaid Parlement, any thing in the recited Act, to the contrary, notwithſtanding; 3. In confirming all Acts of this and former Seſſions, ſince the paſſing of the recited Act.

Let me now take the Liberty of aſking your Excellency and your wiſe Council or Adviſers, which or what Part of theſe Statutes, require or authoriſe the Chief Governor and Privy Council to certify Money-bills in particular? Or, the Miniſtry, or Privy Council of England, to refuſe to grant a Licence to Summons a Parlement in this Kingdom, until a Money-bill, from the Chief Governor and Council here, is certified into England? What Part of thoſe Statutes forbids either Houſe of our Parlement to reject a Money, or any other Bill? Or, for their own future Direction, to expreſs on their Journals, the Motives of ſuch Rejection?——Is not the granting of all Supplies and the levying of Taxes on the People, the peculiar Right and Privilege of their Repreſentatives,

Representatives, in England? And do, or can, these or any other Statutes, abrogate this inherent Right and Privilege of the Commons of Ireland? Does not the Commons' originating Heads of Money-bills, and sending them to the Council to be transmitted, answer every just Purpose of Goverment, agreeable to these restrictive Statutes? Is not the Power of the Crown, or what you call the Prerogative, and the Rights of the Crown of England, under these Statutes, equally well guarded, when the Commons move and propose the Heads of a Money-bill, as when the Council alone moves and certifies a Bill?

But, as no sensible Subject of Ireland seems so much as to wish, that there should not be some Restraint upon the Power of Vice-roys, in the passing of Laws in this Kingdom, well knowing, that the Cruelties, the Treacheries and Abuses of former Vice-gerents made that Anti-constitutional Statute, quoted by Lord Sydney and your Excellency, at the Time it was passed, necessary; I shall submit to it, for the Present, and content myself with shewing; First, That it was found so injurious and so impossible to be observed, in subsequent Regnes, that several Statutes were passed, regardless of it, or to suspend it's Authority and Force, in the immediately succeding Regne, as well as in that of Queen Elizabeth, but more particularly in that of Philip and Mary, in which it was materially altered; and Secondly, That neither of these Statutes serves or can be construed to give any Chief Governor Legal Authority to *take Notice of*, and much less to *Censure*, or *Animadvert upon*, and lest of all, *to protest against*, the lawful or any Proceedings of either House of Parlement.

And first, in the twenty eighth of Henry the eighth, several Acts are passed, without being certified by the Council of this Kingdom, to the King and Council of England, or thence to this. And

then

then, Poynings' Act is formally repeled; in consideration, as the Act, Chapter IV, expresses it, *of the Trust and Confidence, which the King's Highness hath in his Deputy and Council of this his Land of Ireland and in the Nobles Spiritual and Temporal and the Commons his loving Subjects.* And Chapter XX, This Act is further explaned and inlarged, *at the Prayer of the Lords Spiritual and Temporal and Commons in Parlement assembled.*

In like Manner, the Statute of Poynings, Chapter IV, is fully recited and repeled. the eleventh of Elizabeth, Chapter I; for this remarkable Reason that, *By occasion thereof, no Establishments or Provisions can be concluded by the Body of your Majesty's Parlement being assembled, but such onely as have been before their Assembly, certified unto your Highness and affirmed by the same; and so the most grievous Sores of this your Highness's Commonwealth, which are best known to such as are and shall be appointed to be of that High Court, and most felt by them, cannot be conveniently reformed,* as having not been *before certified to your Highness.*

Such, My Lord, was the Estimation, in which this Law of Poynings was held in the subsequent Regnes. But, as it still served as the People's best Shield against the Oppressions and Tyrannies of evil Rulers and perfidious Factions; Elizabeth wisely took Care it should not be left at the Mercy of any Chief Governor or Council; for, it is expressly enacted, that they shall never certify over a Bill, for a repele of this Statute; unless it be previously agreed upon by a Majority of each House of Parlement. Statute of the 11th of Eliz. Chap. VIII.

This shews, that the Restraint was onely intended for the Chief Governor; he was not permitted to certify a Bill for the Repele of this Statute, unless it was previously found necessary for the common Good and agreed to be so by the concurring Voices of

of both Houſes, who alone were deemed the proper Judges of the Expedient.

Thus, I have fairly layed before your Excellency, every material Thing, contained in the Statutes, relative to thoſe Laws of Poynings, that appears to the apparent Purpoſes of Lord Sydney or your Excellency.

I find, Precedents are of great Weight with your Excellency's Adviſers. I am ſorry, they did not go a little further Back, to give ſtill greater Weight, if need be, to your Excellency's Cenſure, as well as to that of your noble Predeceſſor.

They might have gone back to the Regne of the celebrated Martyr, Charles I. The Name and Character of this King muſt have given as great Weight and Sanction to the Proteſt and other like Proceedings of his wicked and tyrannical Favourite and Præcurſor, Lord Stafford, as the Name of the great Prince, whom your Excellency is pleaſed to Stile, *immortal*, can give to the like Conduct of the rapacious and perfidious Lord Sydney, or that of his preſent moſt Sacred Majeſty, to thoſe of his preſent Vice-gerent in Ireland.

If the Subjects of theſe Kingdoms are to be ruled by Precedents, without diſtinction, Lord have Mercy upon us! For, I know no Perfidy, no Treachery, no abuſe of Power, no Uſurpation, no Oppreſſion, no Tyranny, that could diſhonor a King or a Deputy, or degrade, debaſe, defraud or inſlave a Parlement or People, of which, we have not ſundry powerful Precedents upon the Records of both Nations, before we of this Kingdom, had the Felicity of your Excellency's mild and auſpicious Adminiſtration: For an inſtance or two: Sir Thomas Wentworth, afterwards Lord Strafford, reciting the ſame Acts of Henry the ſeventh and Philip and Mary, which Lord Sydney and your Excellency recite, formally Proteſts, as Sydney and

you

you do, but in more mild and polite Terms, against the Lords ordering the King's Council and the Judges to prepare Bills, though for the most important public Purposes; and declaring such Proceedings not agreeable to these Statutes and intrenching upon his Majesty's regal Power and Honor, whereof he declares, like Lord Sydney and your Excellency, *that he is, and always will be most tender*, asserts, that the framing or drawing up any Acts to pass in Parlement, solely appertains to the chief Governor and Council; their Lordships having onely Power, by remonstrance onely, to represent such Considerations for Laws to the chief Governor and Council.

In this, your Excellency and your Predecessor might have found an happy Precedent for preventing either House of Parlement, preparing and sending to Government, any Heads of Bills, for any Purposes. Here is one apt Precedent. Now, for another: The Parlement being prorogued the 12th of November, 1640, on the 19th, the following remarkable Entry stands upon the Journals.——Memorandum, that this Day, by Virtue of His Majesty's Letters of the 9th Instant, We the Lord Deputy, at the Council-board, in Presence of divers of the Members of the late House of Commons, did see two orders, one of a grand Committee of the whole House, dated the 20th of October, 1640, prescribing the Ways and Rates to be set in taxing the growing Subsidies, and the other of the House, in confirmation thereof, vacated and torn out of this Book. Signed, CHR. WANDESFORD.——What pity it is this escaped the observation of Lord Sydney and your Excellency's Counsellors!

Lord Sydney gave abusive Language, by word of Mouth, from the Throne, though he did not, indeed, dare to deliver it, in quite so gross Terms, in writing

writing. A part of the precedent, which your Excellency is too brave and too polite to purſue.

The Conduct of the firſt brought him to an untimely and ignominious end, that of Wandesford was overlooked, as the King became ſenſible of his Error, and ordered it to be corrected the 4th of January following; but that of Sydney juſtly incurred the cenſure of both Houſes of Parlement in England, and brought upon him, the moſt laſting Deteſtation and Infamy, in both Kingdoms; of all which, your Excellency's Adviſers, had they been wiſe and honeſt, would certainly have appriſed you, and then, without doubt, ſuch precedents would have had no weight with your Excellency.

But, your Excellency's Counſilors do not appear to have choſen the leſt Evil, in pitching upon the laſt Precedent. But, ſince this has been prefered, I ſhall beg to be permitted to explane the general Conduct of Lord Sydney, firſt, in his Government, and then, with reſpect to his *Speech*, *Proteſt* and *Prorogation*; and then, I ſhall pay proper attention to your Excellency's; by which, it will appear, in what theſe great and extraordinary performances differ and agree, and how far each is warranted by the Statutes quoted, or by any other Law, or lawful Uſage.

The diſcontinuance of Parlements from the year 1665, and the variety of uſurpations, oppreſſions and diſtractions, under which this kingdom ſuffered, during that period, added to the unſettled, diſtreſſed and waſted ſtate of the nation, after the ravages of a furious, religious war, made the people look upon the calling a parlement, as one of the principal bleſſings of the Revolution. But, they were ſoon fatally convinced of their fond miſtake.

For, though Lord Sydney, a nobleman of character and ability, in his own country, was ſent to hold the reins of Government here, and opened the *Seſſion with* a very plauſible, affectionate

Speech, from the Throne, to both Houſes of Parlement, expreſſing the tender regards of the King and Queen for the people of Ireland, and giving aſſurances of his Excellency's impartial Adminiſtration of Government; and though the Houſe of Commons anſwered, his Speech, with all juſt marks of loyalty, duty and affection to their Majeſties, and of due regard to their Viceroy, and accordingly proceded moſt regularly and faithfully in the diſcharge of their duty to the Crown and their Country; they were not permitted to ſit longer than was found agreeable to the wicked purpoſes of a moſt corrupt, perfidious and deteſtable Miniſtry.

He landed on the 25th of Auguſt, 1692, and writs were ſoon after iſſued for calling a parlement, to meet on the fourth of October following, which did then accordingly meet.

The Crown wanted Supplies, which the Commons were willing to grant, as far as the ruinous State of the Country would admit, and in a regular, parlementary way.

But, neither of theſe Conſiderations, it ſeems, were of any weight with the Miniſtry; Money muſt be raiſed, at all perils and events, and without any regard to the forms, rules or principles of Parlement: For, a little before the Seſſion, one of his Excellency's Secretaries informed ſeveral Members of Parlement, of the preciſe number of bills, and for what purpoſes, that were to come before the Houſe: And upon one ſaying, that the Houſe would well weigh the nature and import of ſome of theſe Bills, before they would paſs them; they were openly told, "they need not trouble themſelves with debating about them; as they had already been as well debated as was neceſſary; ſo that the Commons had nothing to do, but to paſs them;" adding, "that if they made

made any Scruple about paſſing them, there would never again be a Parlement called in this Kingdom."——Your Excellency will hardly aſcribe this moſt inſolent and audacious threat, to the Prince, to whom you are pleaſed to aſcribe *Immortality*. Good Kings have, heretofore, often had falſe and bad miniſters. It muſt be confeſſed, to the honor of your Excellency's Adminiſtration, that one of your Servants, upon a late occaſion, did not, publicly, preſume to threaten in quite ſo high a ſtrain; but it is as certain, that he gave the Commons to underſtand, "that a Privy Council Money Bill was a fine neceſſary to be paid for calling a Parlement, and that without ſuch fine, they could have had no parlement."——Your Excellency beſt knows, whether this was by your authority or not: You ſee, it looks like following the precedent of your noble predeceſſor, ſtrictly.

It will, however, hardly be wondered, that this language of Courtiers, in both Adminiſtrations, ſhould raiſe, the jealouſies, ſuſpicions and fears of the Parlements and People, and induce the Commons, in each regne, to aſſert their Rights with becoming Spirit and Fortitude.

On the 12th of October, the Commons gave the earlieſt and fulleſt proof of their attachment to the Revolution: The act of Rocognition of their Majeſties' titule to the Crown, ſent down from the Lords, was contrary to the eſtabliſhed order, that no bill ſhould receive more than one reading in a day, read thrice, in one day, and paſſed. Not without reviving the former ſtanding Order.

In two or three days after, notwithſtanding the miſerable, broken ſtate of the nation, with the ands untenanted and waſte, ſo that the ſtanding Revenue of Quit Rent could not be payed, the Commons unanimouſly voted a ſupply, not exceding ſeventy *thouſand* pounds; a moſt exceſſive

Sum for such a wretched Country, in those days. In the mean while, the Committee of Grievances, and others, with great care and assiduity, made Inquiry into the mismanagement of the Revenue and the palpable embezelment of the forfeited Lands and Goods, of the late King and his Adherents. These were every where rigorously enough seized; their former proprietors were assiduously, universally spoiled of them: but, neither the King's Coffers, nor the Public Treasury were much inriched by the Spoils. The Members of the House of Commons were perfectly sensible of the extent and value of the real and personal estates, seized in their respective counties, cities and towns, and were witnesses of the foul practices of all those, who were intrusted with the management and disposal of the several confiscations. In these, all the Servants of Government, not excepting the Commissioners of the Revenue, Secretaries, Judges and other Officers, and some of the principal favourites of his Excellency, if not he himself, were actually concerned. Therefore, it is not wonderful, that Restitution and Redress was not only difficult, but impossible to be obtained, and that the Chief Governor, to save his Minions and himself from the dreaded parlementary censure, suddenly put an end to the session.

On the 20th, the Committee of Grievances came to the following Resolution, among others which were reported and agreed to by the House;—"Resolved, That the taking to farm any of the forfeited Estates or Interests, in this kingdom, by any person, intrusted with the management of his Majesty's Revenue, or any person or persons employed by or under them, in their own name, or the name of any other, for their own or any of their uses, was, and is a great breach of Trust and Grievance."—This spirited and just Resolution, on which,

which, the impeachment of numbers of the Creatures, Favourites and Truſtees of his Excellency might, and probably would, have been founded, brought the Chief Governor to a prudent determination to prorogue the parlement; but not till he had wrung the laſt penny poſſible from them.

But, before the ways and means for raiſing the Supplies were publicly agreed upon, a very artful ſcheme was formed to intrap the Commons and the whole Kingdom. It was well known, that nothing was more earneſtly deſired by all the Proteſtants of Ireland, than an Act for confirming the Acts of Settlement and Explanation, and the Reſolution of Doubts, of the Lord Lieutenant and Council, upon the ſayed Acts; as a great many of the people held Eſtates under theſe Acts.

Nothing could therefore, be more pleaſing to the Commons, than a Bill for this Purpoſe. And as they were taught, before the Seſſion, that it was not neceſſary, or even ſafe, to debate Bills, and that they had nothing to do but to paſs them; it was judged, that a Bill, with a favourite titule, might paſs, with little notice, perhaps quite unobſerved.

But, happily, the diſtruſt and jealouſy of the Commons were raiſed. They received the Bill, they read it twice, and committed it. But, upon examining of it, found not a paragraph, that could anſwer their purpoſes, even ſo far as to correſpond with the titule; and therefore, the whole Bill, was judged of ſo pernicious a nature, that inſtead of ſettling, it would have unſettled all the Eſtates of the Kingdom, and, of courſe, would have given the artful Miniſtry further means of fiſhing more effectually in troubled Waters. Wherefore, it was unanimouſly rejected; the baſe attempt to cajole, having highly incenſed the whole Houſe.

"Resolved, That notwithstanding the aforesaid Rights of the Commons, this House doth think fit, upon consideration of the present Emergencies of Affairs, and the public necessity of speedily raising a supply for their Majesties, to order a bill, transmitted out of England, intituled an Act for an additional duty on Beer and Ale, and other liquors, to be read: Whereupon, the said Bill was read first time, and ordered to be read a second time."

"Resolved, *nemine contradicente*, That the receiving or reading of the said Bill, so transmitted as aforesaid, be not drawn into precedent hereafter."

The next day, a bill for granting a very unequal and oppressive duty upon Standing Corn, which could hardly raise a fund in less than a year, was rejected; and the reason, because it had not taken rise in the house, entered upon the Journals. But the Commons proposed a Poll-tax, as a more speedy and effectual, as well as a more easy way of raising a further Supply.

The 28th, the Bill for an additional duty on Beer, Ale, &c. was ordered to be ingrossed, and on the 29th, it passed, unanimously.

From this to the 3d of November, a free and proper Intercourse was kept up, between his Excellency and the House, by Addresses and Answers and Messages; although the House had rejected several Bills, and passed several criminating Resolutions against Culliford, one of the Commissioners and others, and proceded, without Interruption, to provide new laws, and upon other matters relative to the affairs of the nation, and possibly might have been permitted to procede further, had not the Report of the Committee of Grievances struck all the Creatures and Minions of the Court,

Court, and even his Excellency, with a terrible panic.

This Committee was instructed by the House "to prepare a charge against all persons, members of the House not excepted, who shall appear to have embezeled, or converted to their own private use, any forfeited Lands, Goods or Chattels."

Then, a Committee, appointed to inspect papers and accounts, relative to their Majesty's Revenue, discovered a series of Frauds, Impositions and Abuses, and declared them in ten spirited Resolutions, which were likely to affect his Excellency and his Creatures; and therefore, to prevent the dreaded Consequences, of further Procedings of this nature, his Excellency, more prudently than justly, determined to cut short the Session. To this end, he suddenly and unexpectedly, went to the House of Peers, sent for the Commons, gave the Royal Assent, in the usual terms, to four Bills; namely, that for an additional Excise on Beer, Ale, *&c.* an Act for taking Affidavits in the Country, for the Courts in town; an Act for the encouragement of Protestant strangers, and an act of Recognition of their Majesties' titule to the Crown of Ireland; immediately after which, the Parlement was prorogued to the sixth of April following.

This sudden Prorogation however, could not have been expected by the House; because his Excellency had, the day before, given a favorable answer to an Address, and had appointed the day following to be attended in Council, by a Committee of the House.

The Cause then, of his Excellency's displeasure was not what he expressed in his Speech; it was the Terror of conscious Guilt in his Government; particularly, with Respect to the Mismanagement of the Revenues and Embezelment of the Forfeitures, which now began to be brought home to him and his Minions.

Not

Not daring to profeſs the true Cauſe of his Diſpleaſure, this great Man, cunningly invented one; and though the Commons could have had no ſuſpicion of his taking Offence, at the rejection of the Corn Tax-bill, or the Reaſons aſſigned for it's rejection, as ſeveral favorites of the Court, concurred in both; he craftily made that the Pretence and ſo furniſhed your Excellency with a Precedent, how apt, I ſhall ſubmit to your own Judgement.

Now, My Lord, pleaſe to take a ſhort review of the principal part of this great Man's conduct, which your wiſe Counſilors have induced you to follow. This illuſtrious Pattern layed down for your Excellency's example, has left us remarkable monuments of his Indignation, as well as of his falſehood, injuſtice and bad Policy, in the memorable Speech and Proteſt, offered, the third of November 1692, and recorded in the Journals of the Lords, immediately before proroguing the Parlement, as a new Light to ſucceding Chief Governors.

By theſe, as they have been layed before your Excellency, and pretty cloſely copied by your Council, you ſee the Commons are *cenſured, charged with diſregard* to the Intention of their Majeſties, in calling a Parlement, which was the happy ſettlement, the peace, proſperity and the floriſhing State of the Kingdom; with being *inſenſible of their Obligations to be loyal dutiful and well-affected to their Majeſties, with Intrenching upon the Royal Prerogative and the Rights of the Crown of England*, by their *Votes* of the 27th and 28th of October; which *Votes are declared, contrary to the Statutes* of the 10th of Henry the ſeventh, and the 3d and 4th of Philip and Mary, and the *continued Practice ever ſince*; and therefore, in *Aſſertion of their Majeſties' Prerogative, and the rights of the Crown of England*, he *Proteſts againſt theſe Proceedings of the Houſe of Commons, and orders his Proteſt to be entered in the Journals of the Lords.*

My Lord, if the Political Positions, which I have layed down, p. 6, 7, 8, 9, be just, the Lord Lieutenant, the Representative of the first Estate, could not, by Law, be authorised, to *interfere with, to take Notice of*, and much less *censure and animadvert upon* the Proceedings of either House of Parlement. And therefore, in this, he most certainly committed the highest Infringement of the Rights and Privileges of the House of Commons.

His Excellency's *Protest* was another of the highest infringements of the Rights and Privileges of the Commons. And the entering this *illicit Protest*, upon the Journals of the Lords, of whose number and quality, he was not, was a most Insolent breach of the Privileges of that House, where it is the Privilege of Peers, Members of that House alone, and those engaged in a debate, and being of the Minority, to enter a Protest and sign it.

It is most certain, his Excellency could plead no lawful Precedent for this audacious abuse of the two other Estates of the Legislature, in any of the Records of these Kingdoms; and therefore, I must suppose, he borrowed it from the modern contrivance of the most Christian Tyrant, which he calls, *holding his Bed of Justice:* This Monarch, having, by military force, overturned the Estates and Parlements of his Country, now goes, to what remanes of his Parlement, which is but a shadow, silences, and suspends the functions of all the Members, *enters his Protest* against their disliked, however just Procedings, or perhaps erases or obliterates them, as has been done by order of our King, in our Commons' Journal, in 1640; and then, *registers* his own *despotic Edicts*, in their room. Is this a Precedent for a King of Great Britain or Ireland? or for his Lieutenant? Can any friend to the King and Constitution of these Kingdoms harbor the horrid thought? Whenever the Procedings of either House of Parlement,

lement, come to be *inspected*, *interrupted*, *directed*, *limited*, *controlled*, *contradicted*, *animadverted upon*, or *censured*, by the first Estate or his Substitutes, we must bid farewell to a free Britannic Constitution, and submit to Gallic Slavery. Since then, Precedents alone are judged sufficient, with your Excellency's noble Predecessor and your Council, for censuring, I must say, for abolishing Parlements and consequently, for overturning the national Constitution; why had not those Sages recourse to the days of the Holy Martyr, when Wentworth censured and protested? Or when Wandesford erased and tore Entries out of the Commons' Journal, by order of the King? These transactions were certainly as lawful, as those of your Excellency's Pattern, upon the like occasion, and both well deserved an Impeachment.——Yours, my Lord, must stand an illustrious Exception?

Before I quit this Point, permit me to make one short Observation on the Speech, penned for your Excellency, on this occasion; in which, your Counselors are pleased to applaud the Speech and Protest of Lord Sydney, as if derived from the auspicious regne of that *glorious and immortal* prince, King William the third, *&c.*

Permit me, My Lord, to obviate the fastening of that injurious Aspersion upon the memory of that great King. Would to God! for the honor of the present regne, that the Administration of the next Kingdom stood as clear of the charge of injuring the Parlement and People of this, by severe censure and an untimely Prorogation, as that of King William may justly be acquitted of all blame, of Lord Sydney's now, boasted Conduct: Your Excellency, upon the slightest reflection, must see, that King William and his Council are not to be disgraced with having directed this audacious, violent Measure: For, the censured Resolutions were passed, the 27th and 28th of

October,

)ctober, and the criminating Speech and Protest 'ere made and delivered, on the 3d of November)llowing. How this could have received the di- ection or sanction of the King and Council of ngland, in the time, I leave your Excellency to idge. And therefore, whatever your Excellency's peech and Protest may merit from your Advisers nd Directors, those of Sydney, as well as the Con- uct of Wentworth and Wandesford, certainly de- erved no less than an Impeachment. Wandesford ndeed, fortunately for him, escaped the condign unishment of his most daring, wicked spoliation committed by royal authority, the Theft having been restored, almost as soon as detected, by the same authority. Strafford met his well-earned Re- ward; and I shall presently shew you the fate of Sydney. Far be such from your Excellency, what- ever your Advisers may justly suffer!

I hope, by this, your Excellency must be con- vinced, that no King or Lieutenant has, or can have, any legal right or authority to *take notice of*, *to in- terfere with*, *to contradict*, *controll*, *limit*, or *animadvert upon*, and much less, *to protest against*, the lawful Procedings of either House of Parlement. I am next to shew your Excellency, first, that the Pro- ceedings of the Commons, so daringly, insolently, and unjustly censured, by your quoted predecessor, *neither intrench* upon the just Prerogative of the King, or the Rights of the Crown of England, and, secondly, that they are in no sort contrary to the Statutes of the 10th of Henry the Seventh or of the 3d and 4th of Philip and Mary; and of course, not contrary to the continued usage since the in- acting these Laws.

To investigate these Truths, I must remind your Excellency, that the Constitution of England was established the Constitution of Ireland, by Act of Parlement, in Ireland, in the reign of Henry *the second*; *and that*, as the Britannic constitution

impro-

improved in England, from that æra, so did that of Ireland; and this by equal authority, royal Charters, declaratory of the Common Law, by a MAGNA CHARTA, of equal weight and import with that justly boasted of in England, and by Sundry Acts of Parlement; all which were ratified and confirmed to this Kingdom, by the Statute partially recited by Lord Sydney, as well as by your Excellency's Counsilors and Amanuensis, the tenth of Henry the seventh.

An Inherent, Essential and fundamental principle of the Britannic Constitution is, that the people cannot be taxed by the first or second estate, separately or jointly, and consequently, they are onely to be taxed by their own consent, in person, or by representation. And this power of Taxation, so separate and distinct from that of Legislation, makes as certain a part of the Constitution of Ireland, as it does of that of England. And I hope, I shall never live to see a power established in either Kingdom, able to wrest this sacred and inherent right out of the hands of the Subjects of either.

Your Excellency's Counsilors, indeed, with Lord Sydney, seem to contend, that this power is taken from the Commons of this realm by the Statutes of the 10th of Henry the seventh, and of the 3d and 4th of Philip and Mary.

Yet, in practice, most of your Excellency's Predecessors, as well as your Excellency, confess this right; when in the Speeehes from the Throne, the Commons are always, separately from the Lords, particularly addressed for all Aids and Supplies. Your Excellency was certainly of this opinion, in the beginning of the Session, when you expresly call to the Commons *to make the necessary provisions for the honor of his Majesty's Government, and the Safety and Welfare of this Kingdom.* See the Speech.

Those

Thoſe, who moſt ſtrenuouſly contend for the omnipotence of parlements, muſt confeſs, that if an act can lawfully be made to take away, to curtail, abridge or alter the eſtabliſhed rights of the people, it muſt be done in the moſt expreſſive, clear and poſitive words, moſt liberally conſtrued.

Allowing then, for the preſent, the utmoſt juſt weight and authority to the Statutes recited, no man can ſhew, that they in any point abate, alter, or interfere with, the People's power of Taxation, but merely and ſolely reſpect that of Legiſlation. And this muſt appear evident, from the Records of Parlement, as well antecedent, as ſubſequent to the inacting Poynings' Law.

Indeed, from conſidering the State of this Kingdom before and at the time of paſſing Poynings' Law, Taxation could not have been the object of that Act, and it muſt therefore have reſpected Legiſlation onely: and that principally, if not ſolely, in reſtraining the abuſed power of Viceroys, in paſſing laws, ſubverſive of the Engliſh intereſt and the general rights of the people, in this Kingdom.

The firſt Act relating to any tax, upon our Records, is of the 35th of Henry the ſixth. This is rather a penalty, to prevent the Exportation of Silver Coin, of fourty pence on every pound exported. And this was paſſed at the *Requeſt of the Commons.*

The ſecond Act relating to taxation, is of the 2d of Edward the fourth, that the Hamper in Chancery, the chief and common places, each pay fourty ſhillings yearly, the exchequer three pounds, and the Maſter of the Mint, twenty ſhillings, yearly; for the repairing the Hall in the Caſtle of Dublin, where the Courts were then held and ſome public offices. And this was paſſed at the *Requeſt of the Commons.*

The third act of this nature is of the third of Edward

Edward the fourth; to regulate the fees of Attornies and the fees for Writs and other Records. And this was also passed at the *Request of the Commons.*

The third Act, which bears resemblance to this, is of the seventh of Edward the fourth and is a Prohibition to foregne Ships, &c. to fish in the Irish Countries, and to lay a Custom on such foregne Ships. And this was also passed at the *Request of the Commons.* Thus stood the state and manner of Taxation, before the passing of Poyning's Law. Let us see what has been the usage since.

The fourth Act of Taxation was passed in the fiveteenth year of Henry the seventh, the very next parlement after passing Poynings' Law; this is to levy one Shilling upon every twenty Shillings' worth of Wares, imported or exported; with some Exceptions. This is now called the Old Impost. And the Act runs in these Words; "Item, at the *Prayer of the Commons*; that for divers considerations, it is ordeyned, granted and established, &c."

In the 28th of the regne of Henry the eighth, the Archbishops, Bishops and other ecclesiastical persons are taxed, the twentieth part of their Benefices. And this appears to bear no Complexion of Transmission, but is granted in these words, after the Recital: "Wherefore his sayed humble and obedient subjects, as well as the Lords spiritual and temporal, as the Commons in this present parlement assembled, &c." And this, with the Act for the first Fruits of Abbies, Priories, &c. are the onely Acts of any kind of Taxation, which appear in the records of this regne. And it is very remarkable, that this Statute runs in the usual Stile of grants from the Representatives of the People, in these terms; "*Prayeth the Commons* in this present parlement assembled, &c."

Thus

Thus far then, My Lord, it appears, that no Money-bills were certified, in either of these regnes, or that, if there were, they were, as they should have been, rejected.

Now, as no Parlement was called in the regne of Edward VI, let us see, My Lord, whether a Money-bill was certified or not, in the regne of Philip and Mary, in which Poynings' law, it may be supposed, was best understood, as it was then explaned and inlarged. In this, a subsidy, indeed, was given; but in the usual, constitutional manner, by the Representatives of the People, in the express terms following; "The King and Queene's most humble, faithful, loving and obedient subjects, the Commons in this present parlement assembled, prudentlie and lovinglie considring and calling to their remembrances, the innumerable benefits and goodness which they heretofore have received, &c. from the Queene's Progenitors, &c. Wherefore their said mooſt loving, faithful and obedient subjects ——————— ——————— of one mynde, consent and assent, and by authoritie of this present parlement, do for theymselves and the hole boddie of the realme, whom they doo represent, freelie, liberallie, mooſt lovinglie and benevolentlie, give and graunt unto the King and Queene's highnesses, a Subsidie, and humblie require the same to be enacted, &c."

Your Excellency will readily confess, this could not have been a transmitted Bill, that it must have been originated, by the way of Heads of a Bill, in the House of Commons, whose image and superscription it planely bears. Or, at left, it must be confessed, that the right of originating Taxations, was, by all parts of the Legislature, then, declared and allowed to be in the Com-

 mons,

mons, without any violation, or even contradiction of the often recited, restrictive laws.

This Subsidy was afterwards granted to Elizabeth, the eleventh year of her regne, reciting this grant, and for similar considerations, and in like terms; to wit, " We your Majesty's loving, faithful and obedient Subjects, considering, &c. We your faithful Subjects acknowledging, &c. do most lovinglie and freelie offer unto your Majesty, not onely the reviving of the said Subsidie, now expired, but also lowly and hartily profer to You, our boddies and substance to maintain these your just quarrels, &c. and do humbly require, that the graunt of the said subsidie be enacted; And be it therefore enacted by the Lords Spiritual and Temporal and Commons, &c"—This then, My Lord, must appear a bill of supply originated in like manner, in the Commons. And as Philip and Mary, who expounded and inlarged Poynings' Law, judged it not necessary to have such a Bill certified, by the Council, unless it had taken rise in the Commons; Elizabeth thought herself under no greater necessity, and therefore, accepted the Benevolence of the Commons, in the usual form and manner. But, though this Queen summoned and held a parlement, the second year of her regne, no subsidy Bill or other Money-bill was then certified, or if it was, it was rejected; for, it appears not on the Records.

In the subsequent regne of James the first, no Subsidy-bill was certified, in order to obtain a licence to summon the onely parlement of his regne, which continued the eleventh, twelveth and thirteenth years of it. At the close of this Session, indeed, the only proper time for granting

granting Supplies, a Subſidie was granted in the uſual terms.

In the tenth year of the regne of Charles the firſt, a Parlement was called, in which a Supply was granted in the ordinary parlementory courſe. The preamble ſhews, whence the grant came: it runs thus:—" Moſt gracious Soveregne! We your Majeſty's moſt humble and loyal Subjects of your Highneſs's realm of Ireland, the Commons in your high court of parlement now aſſembled, ever calling to mind, conſidering, &c. humbly preſent your Majeſty with a free and cheerful gift, of four intire Subſidies, &c. And therefore, we humbly beſeech your Majeſty, it may be enacted. And be it enacted, &c." Another is granted in the like terms, the 15th of this regne. What words can more ſtrongly prove the invariable right of Taxation, inherent to the Commons? In the like manner, the Prelates and Clergy granted eight Subſidies: The Archbiſhops, Biſhops and Clergy addreſs the King, grant the Subſidy, and pray it be enacted in parlement, and it is accordingly enacted. Evident Proof, that the right of Taxation was ever uniformly, conſtantly acknowledged to be in the people, or their repreſentatives; but that the grant muſt be accepted, authoriſed and levied by the three Eſtates in parlement.

In the 13th of Charles the ſecond, a parlement was called, without certifying a Money-bill for the Cauſe; for, none appears upon the records of parlement. And the ſubſequent acts of Subſidy, of the fourteenth and fiveteenth of his regne, granted by the Commons and Clergy, run preciſely in the ſame terms, with thoſe of his father, laſt mentioned, as does the act of Sub-

ſion to the Lords, that they had read, aſſented unto and voted the ſaid Declaration to paſs.—This parlement, it is moſt evident, could never have received the Dictates of a Privy Council for a money-bill, in any form tranſmitted, when they were ſo tenacious of their rights, that they would not ſuffer the Peers of the Realm to interfere in the buſineſs of Taxation. And the Peers were too juſt and too wiſe to intermeddle in matters, which came within the ſphere of the Commons alone.—In all this, My Lord, where does the *continual Practice or Uſage*, of money-bills being certified from the Council alone, ſo ſtrongly contended for by your Excellency's imitated Predeceſſor and You, appear?

On the 30th of July, in the ſame year and ſeſſion, the Lords Juſtices ſent a meſſage to the Commons, in which they repreſent "the Deficiencies in the Poll Tax and Quit Rents; the neceſſitous ſtate of the Army, and the delay, that muſt neceſſarily attend the paſſing of the ſubſidy bill; and inform them, that to obviate ſuch inconveniences, as might happen by Free Quarter, they had ſent a ſhort bill, by way of a Poll, the return of which, they expected in a few days. And requeſted that they ſhould not make a long adjournment, that when the bill returned, it may be paſſed preſently, or elſe that a conference may be held with the Lords and ſuch a courſe taken thereupon, as may be thought fit by both houſes."

The next day, the Commons ordered ſome of their Members to attend the Lords Juſtices, to deſire a ſight of the Bill, tranſmitted into England, for levying Poll-money. But, before it appears, they had got a ſight of the Bill, they agreed the money ſhould be raiſed upon a Declaration of both houſes, to which the Lords concurred, ſo that nothing

nothing more was heard of the Poll-Bill. For, the Parlement was then prorogued, after having given this kind of Vote of Credit to Government. —Such was the regard payed to Council Money-Bills, in the ſucceding part of this ſeſſion.

But theſe are not the onely inſtances, in which the Commons aſſerted their right of taxation in this regne: For, when the Lords ſent a Propoſal of Ways and Means of levying £.30000, for the uſe of the Duke of Ormond, the Houſe thereupon came to the following Reſolution, Declaration and Aſſertion, "That the Propoſal of ways and means of levying all monies to be raiſed in this kingdom, is the antient and undoubted Right of this Houſe only."——26th July, 1662.

And upon ſome further differences in opinion, between the Lords and Commons, in the manner of levying the ſayed £.30000, the Commons ſent further declarations of their Rights to the Lords, the 26th of July, in the ſame year, in the following terms;

"I. That this houſe doth conceive it to be the antient and undoubted Right and Privilege of the Houſe of Commons ONLY, to propoſe the manner, ways and means of the levying of any ſum of money whatſoever, that is to be raiſed within this kingdom."

"II. Though the Act of Parlement doth leave this particular ſum of £.30000, to be raiſed in ſuch manner, as by both houſes of parlement ſhould be agreed on; that yet the right of the Houſe of Commons, of propoſing the manner of levying the ſame, is not thereby altered; but only this change is made, that whereas in all other caſes, the manner of raiſing all money ought firſt to be propoſed by the Houſe of Commons, and afterwards agreed unto by the Houſe of Lords, and laſt of all aſſented to by his Majeſty; in this caſe only, the Royal Aſſent to the *manner of raiſing* this money is not neceſ-

ſary;

ſary; but the Right of the Houſe of Commons in propoſing the manner is not taken away; but the Houſe of Lords may either aſſent thereunto, if they think fit, or elſe may diſagree, if they ſhall find cauſe, and thereupon, the Houſe of Commons, if ſatisfied with their Lordſhips reaſons, are to propound unto them, ſome other way for the raiſing thereof."

Theſe, My Lord, are the precedents alluded to in Sloane's narrative to the Houſe of Commons of England, hereafter related. Theſe ſhew of how little weight Lord Sydney and your Excellency's aſſertions of *continual uſage* muſt appear, and muſt ſerve to convince You, that ſince the paſſing of the recited, reſtrictive ſtatutes, to the year 1695, the Commons never gave up their right to Taxation, though they might, upon ſome Emergencies, occaſionally, have relaxed it, as in the procedings proteſted againſt by Lord Sydney, which your Excellency is pleaſed to make a precedent for your Proteſt.

Thus, then, My Lord, from our firſt parlements, to the regne of King William III, the ſole and undoubted right of the Commons, to originate money bills, has been univerſally confeſſed, by all parts of the Legiſlature, without any breach or ſtretch of the recited, reſtrictive laws; and in all that time, no doubt appears to have been entertained of this inherent and ſole right of the Commons, to move and regulate taxation; if You will except the regne of Charles I; when one of his wicked miniſters preſumed to proteſt againſt the Lords ordering the King's council, or the judges, to draw up Heads of Bills; and the other, to obliterate and tear out entries in the Commons' journal, reſpecting the regulating of ſupplies. And, I muſt ſuppoſe, My Lord, theſe are precedents, for which you will hardly contend, whatever your wiſe Adviſers may do.

But,

But, My Lord, why is Poynings' law, now, so strenuously insisted on, when it is to be *expounded*, *understood* and *taken*, as directed by the Statute of Philip and Mary? By this, the *Chief Governor and Council are to certify*,—what? The *Considerations*, *Causes and* ARTICLES OF SUCH ACTS, *Provisions*, *and Ordinances*, as should induce the Crown to call a Parlement.—But, that done, they are empowered to certify further, *such other Considerations*, *Causes*, *Tenours*, *Provisions and Ordinances*, as shall seem good to be enacted, *at and in such Parlement*. Such, no doubt, as are proposed by both or either houses. The *former* certificates can not certainly respect Bills of any kind, and left of all, money bills. The *later* assuredly authorises the certifying all bills, money bills, included, which regularly spring from the onely proper source, the Parlement.

Let me now beg leave to ask your Excellency, how or in what instance does the Commons asserting their undeniable right to tax themselves and their Constituents, by offering Heads of money bills, which is the usual course, *intrench upon the Prerogative of the King*, or *the Rights of the Crown of England?* Can your Excellency, or any of the most powerful Advocates for, or servile Imitators of, Lord Sydney, say, that the Crown, either of England or Ireland, has a right to tax, or to prescribe the quantity or the mode of levying any tax, on the Subjects, until it is moved by the Commons and agreed to by the Peers? Can any man say, that it is the Prerogative of the Crown, to tax the Subjects of either Kingdom, without first obtaining their Consent, in person or by representation, together with the consent of the Peers? If this be the case, why are parlements called or held? But, this is too absurd to be further discussed.

But, suppose, My Lord, it be for the present for argument sake, as for no other purpose it can be admitted

admitted, that, under the Acts of the 10th of Henry VII. and 3d and 4th of Philip and Mary, while they remane in force, the chief Governor and Council here, the Executive power of this Kingdom, may certify what Bills they will, even money bills not excepted, to the King and Council, that is, to the Executive Power, in England. Such bills being returned, as the Acts require, may be presented, received, read and passed, or may be denied reception, and so rejected, without reading, or after reading, upon debate and consideration by either House. This is the order and rule of parlement so, that the utmost prerogative of the Executive power, in both Kingdoms, with respect to the certifying and transmitting bills, is exercised and preserved in the act of certifying and transmitting them under the great Seal of each Crown; whether they take rise in either house of parlement, or in the Council here.

The Crown then, has the same power and authority over a money bill, springing by Heads of a Bill from the Commons, as if it were originated in the Council. In what then, can *the prerogative of the King, or the rights of the Crown of England* be affected, more by the one, than the other? And how are the restrictive laws recited, violated or contradicted, by the Commons' asserting their inherent constitutional right?

But, surely, My Lord, neither of the recited Laws, nor any other, does, has, or can deprive either house of parlement, of the inherent and fundamental Right and power of receiving or not receiving, reading or not reading, or rejecting them, agreeable to their own rules and orders, and that for reasons, tacit or expressed. A slight review of the statute of the 3d and 4th of Philip and Mary, quoted by your Excellency, as well as your imitated predecessor, at the end of paragraph III. will convince your Excellency, that this invariable and fundamental right of parlement stands

in it's priſtine force, in theſe words; " in caſe " ſuch cauſes, tenours, &c. or any of them, be " agreed and reſolved upon by the three Eſtates " of the ſaid parlement, any thing in this pre- " ſent Act or in the aforeſaid act, made at Drog- " heda, to the contrary, notwithſtanding " Here, your Excellency muſt ſee, that either houſe may reject any bill: and aſſigning the cauſe of rejection can certainly be no Crime.

Here alſo, My Lord, You muſt ſee, the Proceedings of the Commons, in aſſerting their right of Taxation, in rejecting a money bill, dictated by the creatures of prerogative, and giving their reaſon for the Rejection, *intrench not* upon the regal prerogative, and ſtill leſs upon the rights of the Crown of England, as abſurdly as wickedly hauled in here, by your great Predeceſſor, and that ſo far from being contrary, it is perfectly agreeable to every Law, thoſe particularly recited by Your noble Proteſting Predeceſſor, and your Excellency.

That Your Excellency's noble Predeceſſor's aſſerting, that the procedings of the Commons was *contrary to the continued practice ever ſince* the making the reſtrictive laws recited, ſtands upon the ſame ſandy foundation, with his poſition, that the ſayed Procedings were contrary to the recited Acts, as may be collected from what has been juſt ſayed.

What an infamous Example then, have your Excellency's Adviſers layed down to You! Heaven guard your Excellency from the well deſerved fate of your noble Predeceſſor. Of this, your worthy Counſilors ſhould however have appriſed You. Let me give your Excellency, the moſt ſeaſonable warning in my power.

This wicked Governor, to cover his Rapine and perverſeneſs, found himſelf under the neceſſity of aggravating his guilt, by repreſenting this Country *in general*, as he did the Commons, in his Speech and Proteſt. They were pointed out, as but li-

better than Rebels, or ready to revolt, and break their Connexion with England, by violating the Laws of Poynings and Philip and Mary, which, the miniſtry looked upon, as the Palladium of the Conſtitution. Whether any wicked repreſentation of this kind has been made, upon a late occaſion, time will tell, to the indelible diſgrace of ſome lurking enemy to our King and Conſtitution.

Before Lord Sydney could get clear of this Country, he and his minions gave every proof of their Averſion to this Kingdom, and had the preſumption, publicly to inſult ſome of the moſt diſtinguiſhed Members of parlement, in oppoſition to the meaſures of the Viceroy; to diſplace ſuch as held employments, and puniſh others by military Execution. What would he not have done, had he had fiveteen thouſand mercenaries!

To obviate the Miſrepreſentation, natural to be expected from this malevolent Governor's inſolent treatment of the Commons, and the evils to be dreaded, in caſe the true ſtate of the Nation ſhould not be timely layed before the throne; the Commons reſolved upon the ſame methods, as they were forced to purſue under the tyrannic Adminiſtration of the Lords Strafford and Wandesford, thoſe worthy patterns of your Excellency's pattern: They judged it neceſſary to ſend Agents, to repreſent their Caſe and the ſtate of the Nation, to their Majeſties.

For this purpoſe, they deſired four of their Members, Sir Arthur Rawdon, Sir Robert King, Sir Arthur Langford, and Mr. Anneſley, to deliver a Petition to his Excellency, for leave to ſend Agents, to attend their Majeſties in England, with a ſtate of this abuſed Kingdom.

This was done within four days after the Prorogation. But, they received no more favorable *anſwer*, than, " that His Majeſty was the Pro-

" teſtants

" teſtants agent; they might however go for En-
" gland, to beg their Majeſties' pardon for their
" ſeditious and riotous Aſſemblies." And his Excellency ſtopped all further ſolicitation or a Reply, by concluding, " He had no other Anſwer
" to give them," Soon after this, one of the Petitioners was told by the Lord Chancellor, that they had done illegally, and that it was reſolved in Council, that they ſhould be proſecuted. Your Excellency can never be ſuſpected to purſue this part of the Precedent.

This additional inſult however, could not damp the generous Ardor and public Spirit of that patriot parlement, than which, none more loyal, more dutiful, more affectionate, more faithful to their King and Country, more reſpectful to the repreſentative of Majeſty, ever met in this Kingdom, before that which your Excellency lately called and prorogued.

England was, at this time, too attentive to, and too much intereſted in, the welfare of Ireland, to ſuffer the numberleſs abuſes of this Governor to paſs unpuniſhed.

The Houſe of Commons of that Kingdom, took into their Conſideration, the ſtate of this. And being informed, that Sir Francis Brewſter, Sir William Gore, Sir John Magill, Lieutenant Stafford, Mr. Sloane and Mr. Cairnes, ſent over to repreſent the ſtate of this Kingdom, were as the door, and could give information of ſeveral matters touching the ſame; they were called in, and at the bar, gave their ſeveral Informations to the Houſe, verbally, and were then ſeverally deſired to give them in in writing, ſigned reſpectively; which was accordingly done, the 24th of February, 1692.

Sir Francis Brewſter gave an Account of the Army's living at diſcretion upon the Subjects, for want of pay; and committing more ravages in one winter, than was done by all King James's

army;

army; of the mismanagement and embezelment of the Revenues, and of the forfeited Estates and Chattels; particularly of Effects, valued at upwards of ONE HUNDRED AND THIRTY FIVE THOUSAND pounds, not producing to Government TWO THOUSAND; with other abuses of the like nature; that the forfeited lands, which in the war, set for upwards of thirty thousand pounds, after the peace, did not bring in one third of that sum; that of stores seized, to the value of one hundred thousand pounds, upwards of eighty thousand were embezeled; that the Treasury was under the sole management of the chief Governor, without check or control; that no man dared to complain of these grievances in Ireland, who had any employment, for fear of losing it; and that such, as have no employment, are left to the Correction of the Army, for what they say in parlement; as was the case betwixt Mr. Sloane and Brigadier Stewart, and the King's Serjeants at Law, to whom, Mr. Poultney, the Lord Lieutenant's Secretary, by his Excellency's order, applied and demanded their patents, the next day after the Prorogation. These however, are parts of the Precedent, which your Excellency must certainly disdain to follow, ——so soon after the Augmentation.

Sir William Gore confirmed the greatest part of this narrative, with respect to the abuses of the Army.

Sir John Magill did the same; and proved, that the Soldiers pay was stopped from them, on pretence of paying for their quarters, but that the country received no recompense or restitution, for the wastes and damages committed.

Mr. Sloane confirmed the non-payment of the Army, and their living at Free Quarters, and both the Soldiers robbed of their pay and the Country of redress; the Embezelment of the Revenue, together with the money sent from

England

England to ſupport the Expences of the war; which with the forfeitures, if regularly and fairly managed and applied, would have been ſufficient to defray the Expences of the whole. He circumſtantially related the Abuſes of Culliford and other Commiſſioners of the Revenue, both with reſpect to that and to forfeitures; the later of which had been waſted by Grants to Lord Sydney and other great men. He gave an account of the procedings of the ſeveral Committees upon theſe matters, before the Prorogation; and ſhewed the loſſes ſuſtained, by the imperfect accounts made out with the treaſury of England; explaned the diſregard, ſhewn by the chief Governor, to addreſſes for diſarming diſaffected papiſts, and for diſmiſſing others, who were employed in the army, to the great terror of the proteſtants and encouragement of French and other Enemies; and the difficulty of recovering any debt or obtaining any right of a favorite papiſt, by reaſon of the unlawful protections and licences given them, of which, there were then no leſs than THREE HUNDRED in the Sheriff's office in Dublin. He gave proof of an other extraordinary grievance, the determining the property of a proteſtant and member of parlement, unheared, by the Lords Juſtices alone, of whom, Lord Sydney had been one. He ſhewed, the greateſt Grievance was the diſcouragement to proteſtants, and the encouragement given to their Enemies, by the Prorogation of Parlement and it's conſequences. After reciting the ſubſtance of the ſpeech from the throne, and the Commons' Addreſs, pretty much as I have done, he ſhewed, that, agreeable to the antient laws, Ireland had no leſs than fivety new parlements, within the laſt two hundred years; yet, that contrary to Law, this Kingdom had been deprived of parlements, for twenty ſeven years; during which interval, there

there had grown over the Kingdom, many insupportable, arbitrary powers and jurisdictions, oppressions and grievances, which were hoped to be abolished or redressed by the parlement. He shewed the readyness and alacrity, with which the demand of a supply had been received and complied with, notwithstanding the impoverished, wasted and desolate state of the Country. Then, he related the procedings upon the two money bills. He denied, as all sensible subjects now do, any intention to avoid Poynings law, thereby to make this Kingdom independant, as it is called, upon England; shewing, that all the house did, was to assert the right of the Commons to the first founding or proposing the heads of bills for raising money; and that when the Commons proposed them to the Council-board, the Council should form them into Bills and transmit them into England, to be transmitted back, agreeable to the law of Poynings, or rather that of Philip and Mary. Then, he recited the date of the censured Resolutions, and his Excellency's Speech and Protest, with the immediately subsequent Prorogation. After this, he reasoned most clearly upon the right of the Commons to originate bills of supply, it being indubitable, that before Poynings' law, that was the sole and undoubted Right of the Commons, and could not appear to any, how or in what instance, that right was taken away or given up, by that Law, manifestly designed and calculated to prevent the danger of an Irish Interest becoming two prevalent here, with any chief Governor, to the Prejudice of the English. He justly observed, that the same reasons, which prevaled before Poynings' law, for the Commons to originate money bills, still subsisted; namely, that they must know, better than the Council, what taxes the Country is able to bear, and

and how it may beſt be raiſed, and with the greateſt eaſe to the ſubject. It having alſo appeared, by the Journals of the Houſe, in 1662 *, that his proceding was not without precedent, but was juſtified by former practice, and never before complained of; though, perhaps, upon an Emergency, for expedition, it might ſometimes be overlooked or remitted. Then, he explaned the proceedings upon the money bills, with the motives of the Houſe; one of which was, their not doubting their being pleaſing to the chief Governor; many of whoſe friends joined in the late cenſured reſolutions. He ſhewed, that no advantage could ariſe, but rather diſadvantages, from the Council's originating money bills, could not conceive how this claime comes by the name of a prerogative, which is an antient, inherent right of the crown; while this is onely derived from an illiberal conſtruction of the ſtatutes of the 10th of Henry the ſeventh and the 3d and 4th of Philip and Mary.

Then, he related the application for ſending over Agents and it's ſucceſs; and ſhewed the uſe and neceſſity of ſuch; together with the proceedings upon certain bills, before the Prorogation, and the motives for rejecting them.

He confirmed the diſmiſſion of their Majeſties' Serjeants at Law, Oſborne and Broderick, and their being turned out of the commiſſion of the peace, and the ſuperſeding Sir Arthur Rawdon in his Government of the County of Down, immediately after the Prorogation.

Mr. Cairnes confirmed the converſation of his Excellency, about certifying another money bill, againſt the next meeting; threatening, that if the Commons did not paſs it, they ſhould never have another parlement.

* See p. 39.

Upon these Informations, the House justly, readily, came to the following Resolutions;

"That upon Informations given to this House, it doth appear, that there have been great Abuses and Mismanagements in the Affairs of Ireland."

"That an humble Address be presented to his Majesty, setting forth the Abuses and Mismanagements of the Affairs of Ireland."

The second Resolution was referred to a Committee, who accordingly prepared the Address, which was unanimously agreed to by the house, and presented by them to his Majesty. In this, all the grievances of this Kingdom, and the means of redressing them, are emphatically layed down; concluding with these remarkable words; "And as your Majesty hath been pleased to give us such gracious assurances of your readiness to comply with us, in any thing that may tend to the peace and security of this Kingdom; we doubt not of your Majesty's like Grace and Favor to that of Ireland; in the safety and preservation whereof, this your Majesty's Kingdom is so much concerned." Such was the just Estimation, which that wise parlement of England, made of the Rights and Liberties, of the safety and preservation of Ireland, and of the Connexion of both Kingdoms; of their mutual dependence upon each other, and of the same Grace, Favor and Protection, due from the Crown to the one Kingdom, as well as to the other. These are Sentiments, which can never change, without a general depravity in morals and politics; to which your Excellency can never be supposed to contribute, whatever your wise Counsilors may do. But to return:

The

The Houſe of Lords of England, not leſs ſolicitous than the Commons, in thoſe days, for the ſafety and preſervation, and for the redreſs of the grievances of Ireland, took up the ſame inquiry; And, upon the ſame Informations, came into the like Reſolutions, and preſented the like Addreſs to the Throne.

I muſt here, beg leave to obſerve to your Excellency, that if the Conduct of your Predeceſſors affords you a juſt Precedent for your untimely and injurious prorogation of parlement; the conduct of the Commons, under the Adminiſtrations of Wentworth, Wandesford and Lord Sydney, points out to the preſent parlement, a precedent, for remonſtrating againſt injuries and ſeeking for redreſs of grievances, though it was not in all inſtances ſucceſsful.

How far the Grievances of this kingdom were redreſſed, by the *immortal* Prince, celebrated by your Excellency, as patroniſing the precedent, your Counſilors are pleaſed to adopt for you, I ſhall not, here, attempt to explane. But, give me leave to ſay, that his Majeſty promiſed the deſired Redreſs: For, his anſwer to both houſes runs in this ſtrain; "I ſhall always have great Conſideration for whatever is recommended by my parlement; and I ſhall take great care, that whatever is amiſs ſhall be remedied."

If however, My Lord, this Guilty Governor eſcaped Capital Puniſhment, it muſt be aſcribed to the ſame cauſe, that a late great Lawyer, in this kingdom, ſucceſsfully undertook to bear a man harmleſs, who was charged with taking a conſiderable ſum of money out of the treaſury. The Client was told planely, that if he did not actually rob the treaſury, he ſhould probably be hanged; but if he had robbed it, and had kept the money,

his life might be ſaved, as indeed, it was. So, I find it fared with your Excellency's great predeceſſor, My Lord: He went off loaded with the Spoils and the Curſes of this Kingdom, to purſue the precedents made by ſeveral of his noble Predeceſſors: While this people, concurring with the cenſure of both houſes of the Engliſh Parlement on his conduct, devoted his Excellency to Deteſtation and Infamy; their Spoils ſecured his head from the block, and perhaps, afterwards procured him higher rank among the Peers of a neighbouring ſtate. Whether ſuch like precedents have ſince been followed, in promoting perſons equally meritorious with Lord Sydney, to peerages, in either kingdom, is ſubmitted to your Excellency's conſideration.

But, if this ſhould be found, the caſe, though the Crown be confeſſed the fountane of honor, it cannot waſh away the ſtains in this great man's character, much leſs give ſanction to his plundering the public of their treaſure, or the parlement and people of their rights and privileges, by an untimely and deſtructive Prorogation.

Your Excellency muſt now be convinced, that, except partial recitals of facts and ſtatutes, every poſition, your great predeceſſor lays down, every argument, he makes, and every inference, he draws, in his pompous ſpeech and proteſt, are all falſe, malevolent and wicked, calculated to divert the eyes of England from his numberleſs acts of rapine, treachery and fraud, and by miſ repreſenting the Parlement and people of this kingdom to his Majeſty, to diſcredit their dreaded complaints, and ſow the ſeeds of Jealouſy, diſcord and animoſity between the Crown and the Subjects of both kingdoms. Such, My Lord, is the character of the noble Viceroy, the worſt and

moſt

moſt deſtructive part of whoſe conduct, his Speech, his Proteſt, and his Prorogation of parlement, is pointed out as a pattern for your Excellency's! By whom?—Certainly, by falſe or pretended friends to your Excellency, perhaps to the king; but as ſurely, by implacable Enemies of this loyal people, and no real friends to the Britannic conſtitution.

If your Excellency has time and patience, to read thus far; You will, I dare ſay, candidly confeſs, that neither the people or parlement of Ireland, at any time, deſerved ill of the late King William or of his worthy Miniſters, and leſt of all, at the time of Lord Sydney, after the kingdom had recently ſuffered ſo ſeverely by the long, cruel and unlawful Interruption of parlements, as well as by the War; when they had juſt got ſhut of their tyrant, and entertained the moſt grateful ſenſe and high Expectations of the Benefits of the Revolution and of the Merit of their great Deliverer. The ſtopping then, all national buſineſs, by a ſudden and violent prorogation, and leaving the Kingdom in diſtraction and confuſion, at ſo critical a conjuncture, was, in that Governor, the moſt audacious and wicked breach of truſt, with reſpect to the Crown, and his Speech and Proteſt, while they were neither founded in truth, right, reaſon or law, were the moſt wanton and unprovoked exertion or abuſe of the Prerogative, and the moſt daring violations of the Rights and Privileges of both houſes of Parlement.

What the Conduct and Deportment of the People of this Kingdom have been towards the King and his Vicegerent, ſince Your Excellency has held the reins of Government among us; I ſhall leave to your juſt determination.

But,

But, My Lord, permit me to inquire what has been the conduct of Parlement towards his Majesty and his Viceroy, during your Excellency's Lieutenancy;—Let the Addresses and Precedings of each house answer for itself. I mean not to attempt any Justification or Apology for either, to your Excellency, or to any other power; as I know none on earth, to whom parlements are accountable, except the Commons to their Constituents. But, for the sake of truth and justice, and to shew how far the people and parlement can be suspected to have deserved the heavy punishment of censure from your Excellency, attended with a prorogation, at an unusual time; I shall beg leave to direct your Excellency's eye to a short review of your own Speech, which cannot be suspected to err, and the Procedings of the Commons, with respect to his Majesty and your Excellency.

You were pleased, My Lord, to open the late short Session of this parlement, on the 17th day of October, 1769, with a very gracious Speech from the Throne, in which, your Excellency expressed "your confidence, that both houses were met with the justest sentiments of duty and affection to our most gracious Soveregne, &c."

Your Excellency's sense of candor and honor, leaves no room to imagine any ambiguity in these words. Therefore, it is to be presumed your Excellency must have meaned what You expressed. And therefore, why you have changed your Sentiments of this affectionate and loyal people, deserves the attention of every true friend to our Establishment.

You are soon after pleased, My Lord, to make a particular application to the house of Commons.

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Your Excellency informs them, that " You have ordered the proper accounts and eſtimates of the public expences, to be laid before them; and doubt not their making every neceſſary proviſion for the honor of his Majeſty's Government and the ſafety and welfare of the Kingdom." In all this, it cannot be doubted, your Excellency was ſerious. And this, I muſt obſerve is the ſtile of your Excellency and moſt of your Predeceſſors, upon all former occaſions: You juſtly call to the Commons, a-part, for a liberal Exertion of their ſole and undoubted right of taxation, or granting Aids or Supplies to the Crown; becauſe ſuch grants can come from the Commons alone. And, when they have done, what has been deſired, and confeſſed to be their right, in a regular parlementary courſe; are they, therefore, to be *animadverted upon*, *cenſured* and *prorogued*, for the very exertion, applied for, required and granted!

In anſwer to your Excellency's Speech from the Throne, the Commons immediately, unanimouſly, voted a moſt affectionate, loyal and dutiful Addreſs to his Majeſty; in which they thank him for the Law for limiting the duration of parlements, obtained under the Adminiſtration of your Excellency, " from whoſe experience of their Loyalty and Zele, and whoſe mild and prudent Govornment, they have the higheſt Expectations, that the honor of the Crown, and the Liberties of the people will be duly attended to."— Your Excellency will now, pleaſe to conſider, in what or how far theſe *high Expectations* were anſwered.

In the next paragraph, My Lord, they aſſure the King, that " the great Affection, which his loyal and faithful Commons of Ireland have ever teſtified

assured for his sacred person and the succession of his illustrious house, will always induce them, to the utmost of their Abilities, to grant such supplies, as may be necessary for the support of his Majesty's government and the safety of this Kingdom."—Your Excellency will, in your usual Candor, confess, they fulfilled their promise.—The point is, how were their faithful and loyal services recruited? and how were their fond Expectations answered!

After this, a most affectionate and respectful Address was voted and presented, by the Commons, to your Excellency, gratefully acknowledging their obligations for the part You bore in promoting the law for limiting the duration of parlements, and expressing their congratulations, at meeting your Excellency in parlement, under that constitutional law. They demonstrate, the fullest confidence, that under your Excellency's administration, the honor and dignity of the Crown, and the Just Rights and Liberties of the People will be maintained and protected. And assure your Excellency, that they will cheerfully grant the necessary supplies for the support of his Majesty's Government and the safety and welfare of this Kingdom. If they did not perfectly fulfil these great engagements, the ends for which they were first instituted and now called together; your Excellency's Counsilors will, if they dare, point out, who is to blame.

I can not avoid observing, that your Excellency's Answer to the two Addresses, strongly expresses your sentiments of both. The first, You justly call, *loyal and affectionate*; the second, You stile, *kind*, and ascribe a part of the honor done you, *to the respect, which his Majesty's faithful Commons, have upon every occasion, expressed for his Majesty's*

high Commission to his Governor. And then, your Excellency is graciously pleased to *assure them, that You shall endeavor, by a steady and disinterested attention to the true service of this Kingdom, and by a just representation of the constant and unshaken Loyalty of the people of Ireland, to preserve their Approbation and Confidence.*

Your Excellency could certainly have meaned nothing less, than what these expressions fairly imported, when You uttered and delivered them, to be registered in the Records of Parliament. Nothing surely, less than Crimes of the deepest dye, can be supposed to have induced your Excellency to change these favorable, these just sentiments, and to censure and punish these very Commons and this very people! Let us see, then, in what and how they have forfeited your Excellency's regard.

No sooner were the national Accounts, though without the promised Estimates, layed before the House, than they were taken into consideration; and before they could be examined or passed, it was unanimously, " resolved, that a supply should be granted to his Majesty."

While these matters were under consideration, the House was comforted and honored by the following gracious answer to their Address to his Majesty.

" GEORGE, R.

" HIS Majesty thanks the House of Commons, for the sentiments of Duty and Affection, expressed in their loyal Address."

" His Majesty has nothing more at heart, than the support of the Rights and Liberties of his People, and the preservation of the Constitution and Laws. And He trusts, that his faithful Commons

unknown to, and regardless of, the Commons, and returned from Great Britain.

As the house had already voted a Supply, and had appointed a Committee to consider of that Supply; they did not judge it consistent with their dignity or the orders and rules of the house, even with common sense, and much less with their sole and inherent right of originating all Aids and Supplies, to receive dictates from the Council Board, or even from any other estate of the Legislature, respecting the peculiar rights and privileges of the Commons; especially touching such matters as were then actually under the consideration of the house.

However, in order to be fully informed of the nature and tenor of this bill, it was agreed, it should be once read. But, when the house saw the pernicious purport of it, that it was a bill framed by the Creatures of the Crown, for granting certain additional duties, on certain commodities for three months; that it interfered with the most important Right of the Commons, and anticipated their expressed intentions of granting the same Supplies for two years; it was not admitted to a second reading; but was rejected; assigning the just and parlementary cause, "it's not having taken rise in the Commons."

Soon after this, the Committee of Supply sat, and voted every article of the Supply, the number of forces necessary for the internal defence of the Kingdom, including the Army and Militia, together with the additional number of three thousand, two hundred and thirty five men, above the ordinary establishment of twelve thousand, to be kept at his Majesty's disposal, wherever he should judge proper. And their several Resolutions, being agreed to by the house, a Committee was appointed

pointed to consider of ways and means of raising the Supply thus constitutionally granted to his Majesty.

This Committee also sat and framed the necessary Resolutions for raising the Supply granted; whereupon, leave was given by the house, to bring in heads of one or more bills, agreeable to these Resolutions, for which a Committee was named and soon after instructed by several resolutions of the house.

On the 4th of December, heads of a bill for granting to his Majesty, an additional duty on beer, ale, strong-waters, wine, tobacco, hides, &c. was presented, received, read and committed; as were the heads of a bill for granting to his Majesty the several Duties, Rates, Impositions and Taxes, necessary for the payment of the interest and towards paying the principal of the national debt; together with the interest of a sum, not exceeding one hundred thousand pounds, which Government was impowered to borrow, to make up deficiencies. All which Duties, Impositions, Taxes, &c. were granted for two years. So that the sums, granted by the Council money-bill, for three months onely, were absorbed in the second money-bill, granted for one year and nine months longer.

On the sixth of December, these heads of bills where reported and ordered to be sent to Government, to be transmitted to Great Britain in due form, and this without any material opposition or delay.

Thus, My Lord, it must be confessed, that every provision, Government desired, was fully made, in due season, by the Commons, and that they proceded in the passing these Heads of Bills, perfectly agreeable to parlementary, to constitutional

But, your Excellency's ſervants, declining, to give the houſe any information, and oppoſing all modes of obtaining it; the houſe judged it neceſſary to come to the following Reſolution, "that it is the undoubted privilege of this houſe, to addreſs the Chief Governor, to be informed, whether he has received any Inſtruction, or entertains any Intentions to prorogue Parlement at an unuſual Seaſon."

In conſequence of which, it was immediately ordered, "that an humble Addreſs be preſented to his Excellency the Lord Lieutenant, that he will be pleaſed to inform this houſe, whether he has had any Inſtructions, or hath any intention to prorogue the preſent parlement ſooner than uſual."

Though it ſeems, it was not agreeable to your Excellency's wiſdom and judgment, to give an explicit or ſatisfactory Anſwer; the Commons in duty and reſpect to his Majeſty, and ſenſibly touched with the neceſſity of ſupporting the honor of the Crown and the public credit; judged it beſt for the preſent to overlook this unexpected anſwer, and they therefore paſſed the two money bills and ſent them to the Lords, for their Concurrence.

On Saturday, the 23d, the Lords returned the Bills with their Concurrence; to the Commons, with whom they remaned for the Royal Aſſent, until Tueſday the 26th, when your Excellency was pleaſed to give them the Royal Aſſent, to make a ſpeech to both houſes, from the throne; to enter your Proteſt againſt particular proceedings of the Commons, in the Journals of the houſe of Lords, in terms, but little different from thoſe of your Excellency's noble proteſting predeceſſor, Lord Sydney.

It muſt, indeed, be confeſſed, that your Excellency's ſpeech is diſtinguiſhed, by ſomething very remarkable, from that Lord's: for, in your own name, as well as in that of his Majeſty, you are pleated to expreſs your Approbation and Gratitude, to both houſes of parlement, a few minutes before you puniſh them and the whole nation, in them, by a ſudden and long prorogation.

It would be injuſtice to your Excellency, not to uſe your own words, in this inſtance. Permit me, then, to recite them:

"My Lords and Gentlemen,

"THE Attention you have ſhewn to the great objects, which have been particularly recommended, by me, to your conſideration, and the Proviſions, which have been made for the ſafety and ſecurityy of this kingdom, call upon me, not only to expreſs my approbation of, but to thank you, as I now do, for your conduct, in theſe particulars."

"Gentlemen of the Houſe of Commons,

"It is with great pleaſure that I thank you, in his Majeſty's name, for the ſupplies which you have granted, and the proviſion which you have made, for the preſent Eſtabliſhment, the public credit, and the ſafety of this Kingdom."

And here, My Lord, You will pleaſe to permit me to draw a line, between your Excellency and your Adviſers. Thus far, I muſt ſuppoſe, the plane, true ſentiments of your own heart, towards this parlement, are expreſſed. The reſt, I am willing to aſcribe to whom ſoever your Excellency will: For, ſure I am, it is ſo foregne to the reſt, it can hardly be called yours.

In thoſe few words, indeed, your Excellency juſtly draws the character of this loyal parlement,

 and

and ſenſibly ſummed up the whole of all the weighty and arduous affairs of the nation, which this parlemented was permitted to perform. And for theſe, both houſes are honored with your Excellency's Approbation and Thanks. The Commons are further more particulary thanked, for the ſupplies by them granted.

Who could imagine, that they ſhould, ſoon after, be cenſured, as if arrogating to themſelves the very right of granting, what was at firſt demanded of them, and what they are here thanked for?

Yet ſo it is, My Lord: For, You are pleaſed to inform us, that You find it neceſſary for You, on this day, and in the preſence of both houſes, in the houſe of Peers, *to take notice of, to animadvert upon, and to proteſt againſt* a vote and reſolution of the houſe of Commons, of the 21ſt of November laſt, for rejecting the Council money bill, *becauſe it did not take riſe in their houſe*; which vote and reſolution, You are pleaſed to cenſure, as *intrenching upon* the Rights of his Majeſty and the Crown of Great Britain; *as contrary to the Statutes*, without reciting the Chapters, of the tenth of Henry VII. and the third and fourth of Philip and Mary, and to *the uſage and practice ever ſince.*

I hope, I have already ſet charges of this nature in their true light, in examining the ſpeech and proteſt of the Lord Sydney.—A word to the wiſe.

Give me leave, My Lord, further to obſerve, that Your Excellency, in your proteſt, is pleaſed to aſſert and declare, *that it is the juſt and undoubted right of his Majeſty and the Crown of Great-Britain, obſerving the forms in the recited acts preſcribed, to tranſmit bills under the great Seal of Great Britain, for granting aids to his Majeſty, his heirs and ſucceſſors, which ſaid bills, ſo tranſmitted, ought to be read and conſidered of, in the houſe of commons, in this kingdom,*

kingdom, without being rejected by the said house; on account ONLY *of their not taking their rise in that house.*

I suppose, My Lord, this is to be taken, as your Excellency's Opinion, or as that of your Advisers. Had your Excellency thought fit to give it no more weight, it might perhaps have attracted some attention. But, while you attempt to give it the force of Law, which his Majesty without his parlement, would hardly attempt; your good sense and freedom must induce you to expect PROTESTS, from every Quarter, against your Excellency's and Lord Sidney's *Protests*. And it is to be hoped, we are not yet to expect, that the Opinions, or the most despotic dictates of Governors, are to be arbitrarily imposed upon us, so soon after making the required augmentation of the military force, for which the Commons have so recently received your Excellency's approbation and thanks.

But, suppose, My Lord, that in profound submission to your wisdom and authority, contrary to our own sense and judgment, we do allow your Excellency's first position; *that the King and the Crown of Great Britain has a right to transmit a money-bill, to be considered of here in parlement*, which seems to be all that is contended for; what will it avail your purpose, when you allow, *that the parlement ought or has a right to read and consider of such bill?* Does not that very *reading and considering* imply an absolute power to dispose of the Bill? And does not your Excellency further confess, that the Commons have a right to reject a bill, so transmitted?—You cannot deny it: You only say, *it ought to be read and considered of, without being rejected*, only *on account of it's not taking it's rise in that House.* A transmitted Bill then, it is confessed, and cannot be denied, may be rejected; *but not*, it seems, for this Cause.—

Who can ſay, that the Commons have not a right to reject, as well as to paſs, any bill, aſſigning or not aſſigning their Reaſons? And who has any legal authority to *inſpect*, their Journals, to *take notice of*, *to cenſure*, *to animadvert upon*, *or to proteſt againſt* their Proceedings, their motives, or their reaſons for ſuch Proceedings? I know not that potentate in our Conſtitution. And I hope, I ſhall never live to ſee ſuch a power eſtabliſhed in either of theſe ſiſter Kingdoms.

Now, My Lord, look but with your accuſtomed Eye of Juſtice and humanity upon this poor unfortunate kingdom, ſo repetedly, ſo recently treated with ſuch contempt, ſuch indignity, not to ſay, injuſtice and cruelty, as was never till very lately, known or heared of, in any part of the Britiſh Dominions.

We are undeniably, confeſſedly, by Law, intituled to the Freedom, Rights and Privileges of Engliſhmen; and theſe it muſt be confeſſed, are hereditary and indefeaſable; neither parlement nor people can give them up; they cannot diveſt themſelves of their Liberty; they can no more inſlave, than ſlay themſelves.

And no true friend to the Crown of England, or to the Britannic conſtitution, can think of robbing an individual faithful ſubject, and much leſs a whole loyal people, of their moſt invaluable birthright, in any, even the remoteſt part of the dominions. Pleaſe to take a ſhort review of the pretext for theſe hard meaſures.

A ſtatute is made, indeed, in the regne of Henry VII. to alter the modes of proceding in parlement; it could not have been to aboliſh, or even to injure the ſacred inſtitution. What is the ſpirit of that Law?—A reſtraint upon, not an extenſion of the prerogative of the Crown; a

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ſtricture upon the executive power, in both kingdoms, which deſigning miniſters have long labored to throw upon the parlement of this kingdom.

This reſtrictive Law enacts, that no parlement ſhall be called or held in this kingdom, until the chief Governor and Privy Council certify cauſes and conſiderations, &c. under the great ſeal of this kingdom, to the King and his Council in England, and obtain his Majeſty's licence under his great ſeal of England. And this done, the explanatory ſtatute leaves both houſes of parlement to procede, to the ſame effect, though not preciſely in the ſame form, as before the paſſing of theſe Laws.

Before crafty and wicked Miniſters gave the King and the people, different and ſeparate intereſts, from having originally but one and the ſame; theſe ſtatutes could have reſtrained the executive power onely: The chief Governor happily for the people, had it not left in his power, indeed, to call or hold a parlement, much leſs to paſs any act, without the licence of the ſoveregne of both kingdoms, who could not be ſuppoſed to deny his faithful people, any law for the common good of the community. And yet, the ſoveregne himſelf was, in ſome reſpects made ſubject to his viceroy: For, if the crown ſhould be ever ſo deſirous, upon the moſt preſſing emergency, to have a parlement called and held here; a rebellious or refractory Governor may obſtruct his views; for, no parlement can be called or held, without the Governor's certificate. And, if the king ſhould be obliged, in perſon, to come over, with intent and ſufficient power to turn out his unduriſul ſubſtitute, the King himſelf, in perſon, could not hold a parlement here. Such is the abſurdity of the ſtatutes, whoſe force, by miſconſtruction, is turned againſt the people, in both houſes of parlement.

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The late King James found this Law a bar to his wild enterprises in this kingdom: When he landed here, with French auxiliaries to his tyranny; he was, by many, considered, as King *de facto*, as well as *de jure*, until the act for recognising the titule of William and Mary to the throne was passed in this kingdom. He attempted to call a parlement, in which he would have had Poynings' law repeled. But, under that Law, he could neither do the one nor the other; for all acts passed, contrary to this, are hereby declared, null and void.

Though this, perhaps, is the onely benefit, of later days, known to result from this statute; it was probably attended with equal disadvantages to this kingdom, in the regne of the successor; for, however great the necessities of the state might have been, for raising supplies, while the King was here; His Majesty could have passed no act, nor have raised a penny, in a parliamentary way, during his residence in this kingdom. Such is the Law held forth by ministers, as the Palladium of the Constitution!

As such, then, let them still hold it: All that we desire or wish, is, that they do not misconstrue, overstretch or abuse it, but let it answer the primitive purposes of curbing the exorbitant power of Viceroys, which, in so many instances, have proved fatal to the English Interest in this kingdom.

While we have a wise and patriot King upon the throne, surrounded by just and faithful Counsilors, those statutes can not prove injurious. But, whenever these kingdoms happen to be cursed with ignorant, designing or corrupt ministers, regardless of the honor and dignity of the Crown, or the common good of the People, which stand upon

one and the ſame foundation; they will, they muſt, to fulfil their ſordid and wicked purpoſes, miſconſtrue, overſtretch and abuſe thoſe Laws. What remanes to ſave both King and People from diſgrace, from perdition? The wiſdom and virtue of parlement alone.

What muſt we then, My Lord, think of a Miniſtry, in one kingdom, who labor to give the King and People ſeparate and oppoſite Intereſts, when, conſiſtent with their mutual honor and ſecurity, they can have but one in both! Who ſtudy to ſtretch the regal prerogative, in it's juſt extent, ſo beneficial, ſo neceſſary to the crown and the ſubject, to ſap the foundation on which it ſtands, to deſtroy the parent, that gave it birth? who tyranniſe over all the Dependencies of the Crown, with the pretended views of aggrandiſing the mother-country, but in fact, to extend their own power, to the final deſtruction of the whole government.

It muſt be devotely wiſhed and prayed, that no ſuch miniſtry, infeſt the Courts of our moſt dear and gracious Soveregne! Yet, I muſt ſubmit it to your Excellency, whether we have not cauſe, more than ſufficient, for ſuſpicion.—Is there not too much room to apprehend, that the baneful influence of thoſe, who have lighted up a flame in all other parts of the Dominions of the crown, ſeems now determined to involve this peaceful and ſubmiſſive nation, in the ſame direful confuſion?

The character, which your Excellency, in all your ſpeeches, anſwers to addreſſes, and meſſages, has publicly given the people and parlement of Ireland, (and it can never be ſuppoſed, that your Excellency could ſecretly give them a worſe;) correſponds with what all your predeceſſors, who

have

have done them juſtice, have teſtified. The King has no ſubjects, in any part of his dominions, more peaceable, more ameſnable to Laws, more ſubmiſſive, more affectionate, more loyal, more faithful and dutiful to his Majeſty, and more attached to Revolution principles, and to that happy fruit of it, the ſucceſſion of the Hanover family to the thrones of theſe kingdoms, than the proteſtant people of Ireland; where, even the papiſts have proved themſelves better ſubjects, than proteſtants, in more favored parts of the dominions. And as for the Conduct of former parlements, towards the Crown or the Miniſtry, I believe, it will be found quite clear of reproach.

If your Excellency be pleaſed to conſider what heavy burdens, they have impoſed upon a Country, deprived, as it is, of almoſt all it's natural reſources of trade; You will wonder how they have ſo long ſubſiſted. Yet, ſtill they go on chearfully, complying with all the demands of the Miniſtry, even to the involving the nation in an enormous debt.

Beſides a moſt weighty civil eſtabliſhment, loaded with penſions to foregners, to aliens, and even to enemies to our conſtitution; we have ever ſince the Revolution maintained, at leſt, twelve thouſand land forces, for the internal defence of the kingdom; although, upon an average, one half of that number has ſeldom been kept within the kingdom. And yet, in the laſt ſeſſion, upwards of three thouſand were added to that number, to be employed abroad, where this kingdom has leſs intereſt and concern, than any other part of the dominions.

Upon the whole, your Excellency, I muſt preſume, will confeſs, that all the deſires of Government have generally been gratified, by the parlements

ments of this kingdom, particularly by the present. Are we not, on our part, my Lord, intituled to ſome return? Does not allegiance naturally and juſtly demand protection?

Prorogations and Diſſolutions of parlement are indiſputable prerogatives of the Crown. But, My Lord, like other prerogatives, they ſhould be exerciſed with wiſdom and caution.

The parlement and people are, and always have been, ready and willing to grant every ſupply, at any time, found neceſſary, to the utmoſt extent of their Ability. The preſent parlement has freely and cheerfully, granted to the ſmalleſt fragment, all that Government demanded or intimated to be neceſſary. All your Excellency's predeceſſors, that have done juſtice to this people, have given this teſtimony of their diſpoſition and conduct. Your Excellency, from recent conviction, joins and gives the ſame juſt and honorable Atteſtation. Nor has his Majeſty been wanting in expreſſions of royal and paternal regard for, and confidence in, this his faithful people, or in terms of gratitude for their Attachment to his family and Government.

Your Excellency muſt judge, that ſubjects, ſo juſtly conſcious of their invariable affection, integrity and loyalty, receiving ſo many and repeted Aſſurances of the approbation and thanks, of the favor and protection of Government, not onely from a ſucceſſion of viceroys, but of Kings; ſhould, in the moſt willing and extenſive exertion of their love, duty, confidence and munificence, find their onely reward, in putting the whole nation into a ſtate of diſtraction and confuſion, by putting a ſtop to all the weighty and arduous affairs of the ſtate, as ſoon as the money-bills were paſſed; and this without giving, even abſolutely

refuſing,

refuſing, the Commons the ſatisfaction of the ſmalleſt ſeaſonable intimation of ſuch an Intention.

The Many heavy Evils attending this unſeaſonable and unexpected Prorogation, are evident to every thinking man. I need not recite them But I ſhould be glad to ſee the man, who could point out a ſingle circumſtance of honor or benefit, that can reſult from it, to any part of the community.

It is moſt plane, then, from the wiſdom and goodneſs of the King, that this deſtructive meaſure could never be commanded, or even ſuggeſted, by his Majeſty. And from the public teſtimonies, which your Excellency has given of your fidelity to our Soveregne, and regard to the parlement and people of Ireland; thoſe, who pretend to know your Excellency, are ſolicitous to acquit you of having done ſo egregious a miſchief to the Crown and the Subjects of this realm. We muſt therefore preſume, that *thoſe who have turned the reſt of the* Britiſh Empire *topſy-turvey, are come hither alſo*; and leaſt the peaceful and contented ſtate of this poor people, though purchaſed by a long ſubmiſſive acquieſcence under many diſagreeable miniſterial meaſures, ſhould raiſe the jealouſy or envy of their oppreſſed neighbours; agreeable to modern miniſterial wiſdom, it was judged neceſſary to make the complaints and murmurs of the ſubjects, as extenſive, as univerſal, as the dominions of the Crown. At whoſe doors, theſe heavy charges fall, I ſhall leave to your Excellency's determination.

Upon a ſhort review of the premiſſes, My Lord, I hope your Excellency will concur with me, in the following poſitions.

1. That the Conſtitution of England is the eſtabliſhed Conſtitution of Ireland.

2. That the Power of the three Eſtates of the Legiſlature here, as in England, is boundleſs in

doing

doing good, but limited in, or absolutely prohibited to do, Wrong, or Evil to each, or to any of the parts of the Community; by those sacred, and invariable fundamental Laws of the Constitution, made before Parlements were instituted.

3. That this sacred Institution is not altered as is contended for, by the Act of Philip and Mary, which now stands in the Place of that of the tenth of Henry the seventh. And by this, it evidently appears, the Council have no authority to certify, for Licence to call a Parlement, any other than such Causes, Considerations and Articles of such Acts, Provisions and Ordinances as should induce the Crown to call a Parlement. And that afterwards, they are impowered to certify Bills, Provisions and Ordinances, taking rise in one or both houses of Parlement, and that such alone, agreed and resolved upon by the three Estates, may or can be passed into Laws. And of this, no loyal Subject of this Kingdom complains; as this guards, but does not violate, the Constitution.

4. That the Procedings of the Houses of Commons, in the Parlements of William the third and of George the third, censured and prorogued, by Lord Sydney and your Excellency; did in no sort contradict the true sense and spirit of this Law; but were perfectly agreeable to this and every other Law and the Constitution of this Kingdom.

And from these, I infer, that the Chief Governor and Council have no more authority to interfere with the peculiar rights of Parlement, since the passing this Law, than before it was inacted. And that even the power, which has hitherto been exercised with impunity, by the Council, of stopping the Progress of Bills, between either House of Parlement and the Throne, is a dangerous and

def-

deſtructive Uſurpation, not warranted by the recited Laws, or any others, in their juſt and original Conſtruction, and conſequently tending to overturn the Conſtitution.

It is natural, however, My Lord, to expect, that this people will not tamely bear the unprovoked Injuries offered them; though their loyalty may make them cautious of increaſing the general clamor. It muſt be ſuppoſed, they will bring their complaints, in due ſeaſon, to the Throne. Your Excellency's prudence will be ſeen, in the part, You will take in their complaints. It can not be doubted, from the Deportment of the parlement and people towards our Soveregne and your Excellency, and your Conduct towards them, until the late proteſt and prorogation were prepared, that You will not oppoſe, but forward their juſt Petitions to the Throne, and let the blame of thoſe violent meaſures fall where they ſhould.

As for my part, My Lord, I neither have any thing to aſk or to fear. My ſole ambition is, to to diſcharge the truſt repoſed in me, to the honor of my moſt gracious Soveregne, and the ſatisfaction and happineſs of the ſubjects in general, of thoſe whom I have the honor to repreſent more eſpecially. Though, to theſe alone, I think myſelf accountable for my political conduct, I would not have it ſuſpected, that I arrogate to myſelf any merit from the ready compliance of the Houſe of Commons, to ſeveral of the meaſures of adminiſtration. I gave my feeble oppoſition to many of them, particularly to the augmentation of the forces, the confidential Loan, and the dictames of the Privy-Council in a money-bill. For, while I can appele to your Excellency, and to all your predeceſſors, in my time, to atteſt, that no meaſure of Adminiſtration, that to me appeared for the honor and dignity of the Crown, or the free-

freedom and happineſs of the ſubjects of theſe kingdoms reſpectively, ever wanted my beſt ſupport, in or out of parlement; ſo you and they will allow, that whatever I judged injurious to either, conſtantly had my moſt ſtrenuous oppoſition. However, I think it my duty, to ſubmit to the majority, when I ſhould, perhaps, be glad of having a right to proteſt, which is the happy privilege of the Peers alone.

From theſe Conſiderations, your Excellency will readily ſee the motives of my public Conduct in Life, particularly in addreſſing this Aſſertion of the Rights and Privileges of Parlement to the Repreſentative of his Majeſty.

I have the honor of ſubſcribing,

My LORD,

Your Excellency's

moſt faithful, and

moſt obedient,

humble ſervant,

C. LUCAS.

Henry-ſtreet,
Dublin,
Jan. 10, 1770.

POSTSCRIPT.

BEFORE this haſty performance could be given to the Public, the world was obliged by the appearance of a Pamphlet, intituled, The *Conſtitution of Ireland and Poynings' Laws explained; by a Friend to his Country.*—A Friend, in deed, becauſe a friend, in need. As this learned, patriot Gentleman has had better opportunities and means of furniſhing out materials for his valuable work, than I could poſſibly have had for any poor premature pamphlet, and as we both ſeem to have had the ſame object and the ſame end in view, the aſſerting the Rights and Privileges of the King, Parlement and People of this Kingdom; I hope he will permit me, in this manner, to bor-

row ſome of his quotations, for further Illuſtrations of the truths, which I endeavour to inveſtigate and ſupport.

All learned men, converſant in our Records, muſt lament the ſhameful conduct of the Compilers of our Statutes. The Sages, who have directed this important work, have filled it with uſeleſs, obſelete and even repeled Statutes, and omitted MAGNA CHARTA, which ſhould have been the firſt, together with many other of the like import. In the *Conſtitution*, p. 13, one of theſe is recited from the Rolls, of the 10th of Henry VII. which may be read after the recital of the twentieth chapter of the Statutes of that regne, p. 8. " Alſo, it is enacted and agreed, that the Land of Ireland ſhall hereafter enjoy all it's Franchiſes and Privileges, as it uſed to do, before this time."

Now, let thoſe who contend for aboliſhing theſe Franchiſes and Privileges, thus, in poſitive, expreſs words eſtabliſhed; produce a law of equal weight, in as expreſs terms, before they, by new, obſolete clames, preſume to overturn the antient conſtitution of a loyal people.

After the recital of the ſtatute of the 11th of Elizabeth, I recommend the reading of the following remarkable tranſcript from the *Conſtitution* &c. p. 25, copied from a Record in the Rolls of Chancery. " All which ſeveral acts were ſent hither from you, unto us, before the beginning of our ſaid parlement, under our Great Seal of our kingdom of Ireland, and were after returned to you under our Great Seal of England, as bills we did then allow. Nevertheleſs, in the peruſing and conſidering of them, ſince we laſt received them from you, we perceive and find, that our ſaid court of Parlement hath, upon the treating and debating of the ſaid bills, thought meet and

con-

convenient, by their wiſdom, to make ſome alterations or change of ſome part of them, and likewiſe to ſome other of the ſaid bills, ſome good and neceſſary addition; which their doings, we do not miſtake, but take in very good part."

This great Soveregne would have bluſhed to have contended for the ridiculous, abſurd prerogative, clamed by the Miniſters of ſome of her ſucceſſors. She wiſely ſaw, the end of Poynings law anſwered; all ſurpriſe and abuſe of the Crown, by a crafty, deſigning ſubſtitute, obviated, and rejoiced, in finding the wiſdom of her parlement, ſuch as could correct, even her Miniſtry, though never equalled ſince in prudence and fortitude.

Again it appears, by another record, cited in the *Conſtitution &c.* p. 26, that no ſuch *prerogative* or *uſage*, as has been inſiſted on by Lord Sydney and Lord Townſhend, were thought of in the regne of Charles I. For, in the original tranſmiſs returned from England, for a ſubſidy bill, in 1634, a blank is left, for the number of ſubſidies, to be filled up by the Houſe of Commons.

The ſame author obſerves, *Conſtitution*, p. 28, that in 1639, before any money-bill was read, the houſe came to a reſolution, unanimouſly, to grant four intire ſubſidies to his Majeſty. From theſe inſtances, it is obſervable, that in regnes ſo tenaceous of the regal prerogatives, as thoſe of Elizabeth and Charles, none of the modern *prerogative* or *uſage* were clamed or thought of.

Lord Strafford's letter to the Lord Treaſurer, *Conſtitution* p. 34, planely ſhews the ſenſe of the Miniſtry of his times—" As for the ſubſidy," says that ſubtle ſubſtitute, " I was altogether againſt their ſetting down of a certain number, for that they ſhould ſeem to put any conſtraint, upon the free and chearful hearts of the people; it not being fit, that any hand ſhould gather mean

between a king and his ſubjects, but thoſe intelligencies of love and obſervance, which are to paſs between them, ſhould immediately deſcend to the one, aſcend and be returned back again to the other, as mutual obligations of favor and obedience, which each were inceſſantly the one to preſerve for, and to pay to the other."

Our author alſo obſerves, p. 35, that the Lord Lieutenant, in the year 1713, apologiſes for the bill tranſmitted before the ſeſſion, in theſe words; "As the ſeveral additional duties will expire at Chriſtmaſs, her Majeſty, *to prevent their lapſing*, has ſent over a bill to be offered to your conſideration, to continue them for three months; whereby, you will have an opportunity further to provide for the credit of her Government and your own ſafety, by ſuch ways and means, as you ſhall think proper."——Neither the *prerogative* or *uſage* inſiſted on, were ſo much as thought of here. This was but a temporary expedient, to prevent the grant of the additional duties expiring, before the Commons could paſs their bill, through all the forms, with a ſalvo to their privileges. But, now, both expedient and ſalvo are overlooked, in order to eſtabliſh precedents, in our days, for futurity! The doctrine now to be inculcated is, that money-bills are always to be framed, by the creatures of the prerogative here, agreeable to the dictates of the Miniſtry in England, or which is equally bad, that a Miniſter, in the name of the King and Council, may certify from England money-bills, at diſcretion, by way of *Gallic Edicts*, to be *regiſtered* in *mock parlements* here; who are to be cenſured, proteſted againſt and prorogued, if they preſume to diſobey miniſteral mandates. To this we muſt expect to come, in time, if not reſcued by the wiſdom and virtue of our Parlement.

F I N I S.

AN ANSWER TO THE COUNTER ADDRESS OF A PRETENDED FREE-CITIZEN.

Humbly Addressed to the RIGHT HONOURABLE

Sir *JAMES TAYLOR*, Knt.

LORD MAYOR

OF THE

CITY of *DUBLIN*.

BY

A TRUE CITIZEN.

DUBLIN:

Printed in the Year MDCCLXVI.

[Price Two-pence.]

To the RIGHT HONOURABLE

Sir *JAMES TAYLOR*, Knt.

LORD MAYOR

OF THE

CITY of *DUBLIN*.

MY LORD!

THOUGH anonymous Animadversions on fair, open Writings, bearing their Author's Name, deserve in general, little r no Attention; yet, from the Duty and Respect I owe your Lordship and the great and Hon. Body Politic over which you happily reside, as well as from the grateful Regard, I judge due to the ublic spirited and honourable Gentleman, whose Address to your ordship and the whole City, is unjustly cavilled at and misrepreented, I cannot unconcerned look on, and see an artful Partizan ractise all his low Sophistry, to impose on your Lordship and the ity, or let a foul Assassin, though masked in the Citizen's venerale Garb, unpunished stab unsuspecting and unguarded Innocence.

Therefore, I hope, your Lordship will permit me to address to our most respectable Name and Station, this humble Attempt o prevent the Effects of Artifice and Misrepresentation, and to stify a Character which deserves better Treatment, than this *dock* Citizen or his *hireling* Party can afford him.

It is well known that no Law, however salutary to the Public, an be provided, that does not bear hard upon some Persons. Nor an any Outcry be raised, or any Complaint of public Grievances be ver so justly or modestly made; that does not set all the Partizans f Power in an Uproar, and straight-way the Stocks, the Pillory, he Gallows or the Press, are to labour in the Punishment of the nnocent and loyal Plaintif.

There are no Men, who are troubled with such exquisite Sensibity as Ministers, except their *Tools*, Creatures and Dependents. These indeed, serve to their Principals, the Offices of the *Feelers* f Insects in the Dark. These Reptiles often feel, or affect to feel, hat their Masters do not or cannot; and so do they see, hear and nderstand. Touch one and you touch all. And,

If you mention Vice or Bribe,
'Tis so pat to all the Tribe,
That each cries this was levelled at me.

Yet shall not Laws necessary for the Sa
Many, be provided, for fear they should p
Shall Statesmen and their Minions oppre
invade the Rights of the People? trampl
Liberty under Feet? or lay deep Scheme
tution of a State? And shall it be pena
plain? Is no loyal Citizen, who may be
rest, to call upon the Magistracy and warn
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FEELER?——Do we bear the venerable
and shall we not be permitted to utter our
Freedom, or Complaints of actual Oppre
Abject Baseness!—Yet we have lived to
taught and insisted on, by Men who wo
and Friends to Government, to please wh
jects are to quit their Manhood and put o
the submissive Spaniel.

It is to be hoped, my Lord, our City m
any of this servile Herd. Freedom, that
Darling, the distinguishing Birth-right of t
is to be preserved by steady Loyalty alon
modern Courtiers teach, servile Reverence
Power; it consists in a just and lawful Exe
Spheres in perfect Attention to the Execut
sters, and in due Obedience in our respecti
And all human Institutions do but secor
ture, Self-preservation. No good Subject w
House to be fired or his Person wounded
with Impunity. He cannot be supposed
Security of his own Person and Property.
that,

True Self-love and Social are the sam

Of all the Violations of the Rights of S
ble, so dangerous, as those that are comm
of Law. Every Outrage, every illicit S
some Measure, in some Court, be punished
the Persons offended. But Incroachments o
gerous Kinds, made under the Colour of
punished nor opposed, lawfully.

Therefore, your Lordship must readily s
ing early and effectual Opposition to every
distant Incroachment upon, the Civil Libe
Sanction of Law, when all Opposition is
how thankful should we be to those who
the Concerns of the Public, as to give the
pending Danger?—Now let us see, whet
COUNTER ADDRESS best answers these de

The Counter Addressor, a *most honour*
meek and pacific Spirit, to aid the Mag

which is so much indangered by, what in his usual Phrase he
ased to call, the *Firebrand of Dissentent*, thrown by the
ssor. And the more effectually to fulfil his Purpose, he
kes to expose the *false Insinuations* and *Reasoning*, which
through every Part of that Address.
e, my Lord, are laudable Purposes all. Let us see how they
lled. To me, they plainly appear fine sounding, but empty
There are no People among us, whose Conduct is more to
led and watched, than those whose Families were formerly
justly suspected of, Treason or other Disloyalty. Such Men,
clear of Suspicion, run as violently, as ever they were to
atures of one Government, as their Forefathers did in the
e. Thus Whigs of this Mould are but Tories under dis-
eads.
his Test, your Lordship may easily judge who is marked by
Name of a Free Citizen. Mark his Principles, and you
find it difficult to point out the Man in the Mask, so as to
Nathan did unto David; *Thou art the Man*
his slighty Gentleman chooses to shew his parts by extrava-
rades and Bouncings, it is impossible to make a regular At-
on him. Therefore, to catch the volatile Spirit, I must
as irregular as he does, by following him through an
cted Series of quaint Quibbles and strained Sophistry, to
ning of false Positions and hardy Effrontery, which seem to
wny, unmeaning Face of the Author. Who, that knows a
er as this, could call a seasonable and [illegible] from
presentative to the Constituents, and that upon the most
g, the most pressing Emergency, *the Firebrand of Dissen-*

in his second Paragraph, he is forced to confess the Weight
osition, which he still wishes to have all Commons, that
entatives being bound to consult their Constituents on certain
and important Points. But see how he [illegible]
"As," says he, "it is always proper to [illegible]
truths in order to gain Credit to the [illegible] —Truth must
, to give Credit to Truths! —See what it is to be a Patriot
—Well; it is taken for granted, that Representatives may
their Constituents upon *new* and *extraordinary* Emergen-
But then, the *pretended* Citizen would have it done in a
decent Manner, as by a personal or extraordinary Address of the
ief Magistrate, to call together the Members of the Legis-
erate upon the Subject proposed, and to lay their Manner
ult of their Consultation.
us suppose the *Man in the Mask* for once in his Life Time
I venture to appeal to him, whose Fault it is, that there
Time left for his *free, decent Manner of Application*. If
be grown so much more wise and expert than *antient Par-*
s, as to be able to do more in *two or three* Days, beginning
and *ending at six or eight* in the Evening, then we have

Yet shall not Laws necessary for the Safety and Welfare of the Many, be provided, for fear they should prejudice the selfish Few? Shall Statesmen and their Minions oppress and plunder a Nation? invade the Rights of the People? trample the sacred Bulwarks of Liberty under Feet? or lay deep Schemes to overturn the Constitution of a State? And shall it be penal to murmur, or to complain? Is no loyal Citizen, who may be better informed than the rest, to call upon the Magistracy and warn them of impending Danger or Innovation, for fear of irritating some Courtier or his FEELER?——Do we bear the venerable Appellation of Freemen, and shall we not be permitted to utter our Fears of Invasions of our Freedom, or Complaints of actual Oppressions and Wrongs?——Abject Baseness!—Yet we have lived to see this wicked Doctrine taught and insisted on, by Men who would be thought Servants and Friends to Government, to please whom, loyal and brave Subjects are to quit their Manhood and put on the supple Qualities of the submissive Spaniel.

It is to be hoped, my Lord, our City may never be infested with any of this servile Herd. Freedom, that best Gift of Heaven, the Darling, the distinguishing Birth-right of the Subjects of our Crown, is to be preserved by steady Loyalty alone. Loyalty is not what modern Courtiers teach, servile Reverence or passive Submission to Power; it consists in a just and lawful Exertion of the Duties of our Spheres in perfect Attention to the Execution of the Laws by Ministers, and in due Obedience in our respective Stations to the Laws. And all human Institutions do but second the great Law of Nature, Self-preservation. No good Subject will suffer his Neighbour's House to be fired or his Person wounded or injured in Silence, or with Impunity. He cannot be supposed to take less Care of the Security of his own Person and Property. And thus we always find, that,

True Self-love and Social are the same.

Of all the Violations of the Rights of Society, none are so terrible, so dangerous, as those that are committed under the Sanction of Law. Every Outrage, every illicit Stretch of Power may in some Measure, in some Court, be punished, as well as opposed by the Persons offended. But Incroachments of the worst and most dangerous Kinds, made under the Colour of Law, are neither to be punished nor opposed, lawfully.

Therefore, your Lordship must readily see the Necessity of giving early and effectual Opposition to every Innovation, to the most distant Incroachment upon, the Civil Liberty, before it obtains the Sanction of Law, when all Opposition is generally too late. And how thankful should we be to those who so carefully watch over the Concerns of the Public, as to give the most timely Alarm of impending Danger?—Now let us see, whether the ADDRESS or the COUNTER ADDRESS best answers these desireable Ends.

The Counter Addressor, a *most honourable Man*, sets out in a *meek and* pacific Spirit, to aid the Magistracy in preserving the

Peace,

which is so much indangered by, what in his usual Politeness
ased to call, the *Firebrand of Discontent*, thrown by the
ssor. And the more effectually to fulfil his Purpose, he
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and important Points. But see how he ushers in this
"As," says he, "it is always prudent to set out with
ruths in order to gain Credit to the rest."——Truths must
to give Credit to Truths!—See what it is to be a Scho-
—Well; it is taken for granted, that Representatives may
their Constituents upon *new* and *extraordinary* Emergen-
But then, the *pretended* Citizen would have this *done in a*
decent Manner, as by a personal or epistolary Application
ief Magistrate, to call together the Members of the Society,
erate upon the Subject proposed, and to send their Member
ult of their Consultation.
s suppose the *Man in the Mask* for once in his Life Time
I venture to appeal to him, whose Fault it is, that there
Time left for his *slow, decent Manner* of Application. If
be grown so much more wise and expert than *antient* Par-
s, as to be able to do more in *two* or *three* Days, beginning
and ending at *six* or *eight* in the Evening, than their An-

cestors

cestors could effect in twice the Number of Days, composed of more than twice the Number of Hours, of Mornings and Afternoons; If Heads of Bills, which formerly required *six* or *eight* Days, at least, between the *Moving* for them and the *Reporting* and sending them to the other House or to Government, can by more judicious and dextrous *modern* Management in *our* Days, be compleated in one broken Day, or within the Compass of a few Hours; If a Bill, whose Progress should be, and formerly was, still slower than that of the Heads of a Bill; if such a Bill, which in former Times was taken up, read a first and a second Time, at distant Days, committed for some Days after, and when agreed to in the Committee, upon Motion ordered to be reported in *some* Days after; then, upon the Reports being received and agreed to in the House, ordered to be ingrossed, and when ingrossed, upon Motion, ordered to be passed; if a Bill, I say, which *formerly* took up so much Time in passing, may and shall in *our* enlightened Days, go through *all* these Forms in less than *four* Days; upon what antiquated Parliament must our ill-masked Statesman have his Eye, when he can suppose *five* or *six thousand* CONSTITUENTS can be assembled and consulted, have Time to deliberate and to draw up their Instructions, *in a decent, orderly and slow* Manner, to be in *like* Manner presented to their Representatives. The Counter Addressor surely takes his Rules from Dutch Politicks.

There is an other Distinction to be made with Respect to the Bill before us. Had it been returned without *any* ALTERATION, there could have been no Objection to the passing as expeditiously as the solemn Deliberations of Parliamentary Proceedings could admit. But, if with *an* ALTERATION made *out* of Parliament it could at all pass consistently with the Faith and Dignity of Parliament, its Progress should certainly be *deliberate* and *slow*. If it were so, the Addressor's sudden and public Manner of Application to his Constituents might be censured. But if consistent with his conscientious Attention to the Duties of his Station, he was left but *one* Day, and that an accidentally intervening Sabbath Day, to apply to the Magistrates and other Electors, and seized that to apprize them of the Publick Danger, and to point out the various other regular Means of opposing it; sure this Accusation can be of no Weight, especially if what is reported be true, that *he* was several Days successively at your Lordship's Door upon this Occasion.

If this, my Lord, be true, it can not be said to be the Addressor's Fault, that the Paper was sold by the Hawkers before it reached your Lordship's Hands. This might be wrong indeed, my Lord, if the Addressor did dot first attend upon your Lordship with some Copies. But if this were done, while your Lordship's extraordinary Care and Vigilance in discharging, as you do to the Satisfaction of the whole City and Kingdom, the Duties of your high Station, called you to remoter Parts of the Town; the Addressor must appear rather unfortunate than blameable, in missing of the *Honour* of seeing your Lordship.

As

or its getting into the Hands *of the Learned and Unlearned*; unter Addressor should not yet find Fault with that, until I have introduced a Law for abolishing the Freedom of the Then, indeed, such a Publication as this might be penal: l the inslaving Purposes of the *Man in the Mask* may be se- carried into Execution without any Interruption from the rates or Citizens, or his dread Friends of PIMBLICO or the

his Paragraph, *the Mask* shews his great Regard to, and his f, a great Majority. He says, " the Matter exclaimed was debated and the Objections over-ruled by a large Ma- ——I venture to appeal to this Gentleman, whether in *any* n, upon this Subject, there was more than one *third* Part Members present? And whether in some Divisions the Fa- of the Bill were not forced to *tell* the House, to see if the y Number was present? And whether they did not proceed here was but *three* more than the Number absolutely neces- resent?——See how the Gentleman's *large* Majority stands! hole of the Majority and Minority put together would sure- a very inconsiderable Minority, if *all* the Members were

late Scheme for impowering the Ministry to call a Parlia- t a *few Days* Notice, notwithstanding the *longest* Proroga- d taken Place, as a certain *false* Citizen endeavoured, such ity might rule this Kingdom to the Satisfaction of those who seek for Nothing less than sucking out the Vitals of a rrassed Country. Now these Men must see that Scheme mature without the late Preparative. But, if this encour- nother Attempt, I hope no other sacrilegious Hand will be aring enough again to interpose between the Votes and the till Printing be first abolished by Law, as probably this ishes and intends.

just this malevolent *Mask*'s Charges of wicked Determina- stir up Tumults and to cause Blood-shed and Destruction ave to the Judgment of your Lordship and the rest of the d judicious Magistrates of the City. Nor is it easy to tell, masked Assassin levels at, when he glances at *the old Ex- t of inflaming a misguided People*, since it is well known, whom this *pretended* Citizen shoots his most invenomed nculcated the Doctrine of Peace and Harmony with Liberty ith.

n his Lashes at what he calls the Opposition, his Pen runs holer as in Falsehood. When was there an Opposition given ument indiscriminately to the Measures of *all* Administra- ood and bad? I never saw or heard of the Time. Yet says, there is such an Opposition, *feeble in the House, and d without*, &c. Now I venture to challenge this *Drawcan-* ve a single instance of a factious disposition among the Gen- *he thus crokes at, like* a Toad in a Hole. I challenge him

to shew a single *good* Measure by *them* opposed, or the good measure proposed, in which they did *not* join. And if he had not the most inflexible Aversion to Truth, he must confess that this *little* Minority, he treats so contemptuously, joined heartily and warmly with the present G———r, where he vouchsafed to let his Sentiments be known to *them*. Witness the LOAN, a Measure he publickly disavowed. Which of the Minority declined voting against it? And sure these same *indiscriminate Opponents* of Government doubled their Diligence to get the CORN-BILL rejected; when they were assured by the S——r that our Patriot G———r was *against* the INNOVATION. Now, I have shewn two principal Instances where this pitiful Opposition joined with G——t, let the MASK shew, if he can, the *good* Measure in which *they* opposed it.

If we agree with the *Mask*, that those who give Opposition to the Measures of *every* Administration can not be right, because it is impossible that every Measure of every Administration can be bad; may not the Argument be retorted on him in his own Way: Every Measure of *every* Administration is not to be supposed *perfectly* good; yet the MASK and his Junto, with equal Zeal and Force, promote the Measures of *every* Administration, without daring to make *any* distinction. Then it must be confessed, that he and they are at least as seldom in the right, as those they condemn.

But the Gentleman seems to have lost his Memory. What Pity it is? when no Man wants it more! That the altered Bill was no sooner read, than it struck Horror into many of the Hearers, is certainly true. That bitter Exclamations were uttered against it; such as—reduced to the dreadful Alternative of FAMINE or a YOKE—Shameful Preparatory to Chains and Slavery, *&c. &c.* But that some Gentlemen were as little affected with such Groans as with the weightiest of Arguments afterwards offered from REASON, JUSTICE, sound POLICY, PUBLIC FAITH and LAWS; while others *joked, gibed, flounced, capered* and *laughed*, probably with the *same* Enjoyment that the Tyrant of SYRACUSE had in torturing the unfortunate Victims of his worse than savage Cruelty, or such as NERO felt when he thrumbed on his discordant Lyre, while Rome, by his Command, was in Flames.

Yet all this did not reach the *Poddle*. The *Mask* is out. It was in a former Parliament, such an one as, I hope, this poor Kingdom will never see again; it was in the *late* Parliament that the Conduct of a *very* honourable Personage, who shall be nameless, with that of his Pro-patron, and their Patron, and some certain Assistants struck *Terror* into the People, and drove them to such Extremities as it is hoped will never be seen again. Then it was that a Mob was put into those horrid Commotions. Nor will it be wondered at, when in a neighbouring Nation, which boasting of being more civilized, and having a better Police, HE, whose proud and tyrannic Spirit galled and hurried the Populace into *that* detestable Riot, that called itself the PIMBLICO Parliament, by a like Behaviour since *raised* a more terrible Tumult, which took the Title of the SPITAL-FIELDS Parliament.

These

é are Measures every where to be detested, abhorred and
. The *masked* Gentleman, in *his natural* Frights, brings them
'iew. Let the Guilty tremble! But sure virtuous Men, a
Government and Parliament must find Guards and Friends
ıost tumultuous Assemblies of the PEOPLE.

et, the *Counter* Addressor has not thought fit to point out
he *false Insinuations and Reasonings*, he promises to shew in
art of the Address. On the contrary, in P. 4 and 5, he falls
grees with the ADDRESSOR.

he begins to display his Talents as a LAWYER and a Po-
ıN; in which it must be confessed, he makes as good a Fi-
at the BOARD.

ys, it is of *no* Importance to our Constitution, whether the
nary *dispensing*, which is the executive Power, in the Crown,
ised by Advice of the Privy-Council *here* or in England.

this require any Comment to expose it further? Can the
ouncil of England be as good Judges of the State and Con-
f Ireland, and as timely interpose their Council and their
e, suppose them willing, as the Council of Ireland?

ake with you the *Mask*'s Share of Reasoning, it will not bur-
much.—However, says he, the Power be exercised, it is
y Virtue of and under the Authority of *our* Parliament, and
by *ourselves*, and not assumed by any Regal Prerogative.—
does this great and learned Statesman in Masquerade expose
or his Antagonist most? It is very plain, he has no Objec-
ıay Power inherent to our Government or Legislature being
red to *another* Kingdom. He has first attempted to shew,
: executive Power of *this* Kingdom may as well be exercised
er. He now attempts to prove, what I suppose he aims at
;, that this Power may be lawfully and properly transferred
her Kingdom, and that by *our own* Parliament. And if it
by *our* own Parliament, not by any Stretch of the Prero-
it must be right and good.

hat such a wretched Miscreant was ever born in the Land,
:e the wholesome free Air with his slavish infectious Breath!
oul Paper with Positions black as Treason and hellish False-

Act of Parliament omnipotent? Can it overturn the esta-
Constitution of the Nation? Is not all the Power, Pre-emi-
Privilege and Authority possessed by Parliament, derived
nd held in Trust for the People? Can they forfeit that
Are they not Delegates, and can they delegate or share
ıwer or Authority? Can they abolish the Institution of Par-
ı, and set up Anarchy or Tyranny? Ignorant, perverse,
: as *thou* art, thy Conscience must answer these Questions.
noweſt that we now groan under *Poyning*'s anti-constitu-
aw: Iniquitous as it is, it was passed by *our own* Parliament,
Force of regal Prerogative. We must not then complain not
lress; *it is enough* that it was done by our own Parlia-

ment,

ment, without any Interposition of the Prerogative. Thus dost thou offer our BANE for a Remedy! And, no doubt, thou hopest, some Time or other, to argue for the Power of Parliament to abolish Parliaments, or to *transfer* the LEGISLATIVE, with the EXECUTIVE Power, to *another* Kingdom. O! HIBERNIA! HIBERNIA! HIBERNIA! Who can call thee chaste, while thou fosterest so many spurious Children?

I beg your Lordship's Pardon; this MASK, this *false* Citizen, has surprized me into some Degree of Indignation: But as I know your humane and patriot Heart, you will rather pity than blame me, as it is impossible, with common Feelings, to avoid Emotion, at seeing those who live upon the Spoils of this ill-fated Country, labouring, in return, to rob us of our established Constitution.

The third Paragraph of the fifth Page is not much less insolent and delusive. Here we are told, that *Alterations made in the Heads of our Bills in England, are not Alterations of our Laws, because we may adopt or reject them.* But heretofore, the making *any* essential *Alteration* in the Heads of a Bill, *any where*, was judged anti-constitutional, and a sufficient Cause for *rejecting* the altered Bill. This Innovation was found, by those in the Secret, to be of too great Importance to be dropped. And though the L—d L———t saw thro' it too far to give it his Countenance, yet certain well instructed Servants, who are generally so willing that they can never be ravished, took Care to get it passed. And tho' we are told, that the Reasonings of the Minority were found light in the Balance, the MASK must confess every necessary Argument that a just Attention to the Rights of Constituents, to the Laws and Constitution of the Kingdom, to good Policy, Truth, Justice, and Common Sense could suggest, was used by the MINORITY; while *no* Sort of Answer was attempted by the MASK's great MAJORITY, nor any other Argument offered, in the House, than the *Question*;—the *Question*;—the *Question*. It must be confessed, these Arguments were not found light in the balance; for so secure were the Trustees of Power of *a* Majority, that many of *them* thought they might with Safety attempt to *screen* themselves from the public Hatred, by declining to vote or appear in the Debate.—But, to shew your Lordship further Proof of the Counter Addressor's Regard to Truth, you will please to observe, that where he recommends to the Public to acquiesce *in the Opinion of by* much the greatest Number *of their Representatives*: I challenge *him* to say there were a *third* of the Whole in any Question, in the House, upon this Bill, and in some not even *one-seventh*. This is the MASK's by far the greatest Part of the Representatives of the Kingdom!

In the fourth Paragraph, he endeavours to account for the vesting this EXECUTIVE Power in the Council of England. But supposing he were serious, and meant to speak Truth for once, is not his Reasoning, and the whole Tenour of his Position, false and injurious? If the *Alteration* was intended for the Security of England *alone*, the Addressor shews your Lordship, the Heads of the Bill had

as effectually provided for this before. Then can all his Sophistry and low Quibbles, get shut of the Objections made in the Address, to the Abuses and evil Effects, which may be produced to both Kingdoms, by a *secret* Order, conceived in the Privy-Council in England, taking the Effects of a Law, without any legal Promulgation, in Ireland? Is not this laying a Foundation for running into the opposite Extream, an IMBARGO, that terrible Stretch of Prerogative, which has so often proved fatal to this Kingdom, at the sole Instance of one or a few mercenary Victuallers or Contractors in England? If such may get, as they often have got, without any just, public Motive, an Imbargo laid upon all the pitiful Exports of this Kingdom, to the manifest Ruin of the Whole, and the Beggary of our Merchants in particular; is it to be doubted, that those same Creatures of British Ministers may not get our Ports opened whenever they shall have got all our Provisions bought and hoarded up for foreign Markets? The MASK cannot doubt it; nor does he much care, while this poor, infatuated Kingdom furnishes him, like others of her unnatural Sons, with Means to live in Affluence abroad.

Now, my Lord, in the last Paragraph, please to observe the affected Ignorance of the MASK, whom you will hardly take for a Fool, when you find him a Tool of Men in Power. He denies the Charge of *transferring* the Executive by this Law; because, says he, it would be very absurd to make a Law *felo de se*. This was but a little affected Lapse; the MASK meant to say, that it would be absurd to make a Nation *felo de se*. He is a Lawyer as well as a great Statesman. In this Opinion, which by the bye escaped, I heartily concur with him. I think it not only absurd, but wicked, perfidious, atrocious to make a Kingdom or a State, or even a single person *felo de se*. If the *new* law be found to work this Effect, I hope the *Masked Lawyer* will confess, the Minority were not to blame; and I hope he will not dare to say, that by far the greatest Part of the Representatives concurred in *any* infamous, destructive Measure.

But, in the End, *to shew* another *instance of the delusive impositions of* the Addressor, though this is the first the MASK attempts to produce, he argues, *that the Execution of this Statute, as of every other Law here, must be done by our Officers, and all Disputes arising thereupon must be determined in our Courts; How then,* says he, *can the executive Power be transferred?*

Here your Lordship may see a *new* Instance of the glorious Incertainty of the Law:—You are told the Law is to be inforced in *our* Courts of Law, and executed by *our* Officers. That is, an IRISH Statute makes the *Privy-Council* of ENGLAND Judges and the Executioners of a Law in IRELAND.—Yet the sole Power this Statute gives these most honourable Lords, is that of an entire Suspension or Repeal, and *that* by an unpromulged, *secret* Order! Does your Lordship take this Law-Casuist for a Jesuit? No; I am sure you cannot. But suppose, my Lord, we put a Case to him, he may get us a pretty good Law-Opinion from his assiduous Fellow-Labourers.

low-Labourers. Suppose a Suit is commenced in our Courts upon this Act, the Parties are at great Loss and Expence, and the Suit is still in due and necessary Litigation, while our NEW OFFICERS, the Lords of the Council on the other Side, have secretly repealed the whole Statute, perhaps before the Suit was commenced; *Quære*, What is to become of the Suit and the Suiters? I expect to be answered, that they will be better off than any of the ordinary Suiters; for each Man will probably live to see an End of his Spit, and sit down saddled with his own Costs only.

Thus far, in Respect to your Lordship and the Public, I have followed this subtil Sophister, while he attempted any Sort of Argument. I may therefore be permitted to take Leave of him and his Counter Address here. But, as in the Sequel, he throws out some Insinuations, which may possibly take in some unwary Persons, I shall beg Leave to attend him a little further.

He tells us, p. 6, that if His Majesty judges it necessary to permit Corn to be exported for England, his *Orders* are but *Directions* to the Officer to let such Corn be shipped. Now, the Addressor, whose Word may as well be taken as the *Counter* Addressor's, informs your Lordship, that the Word *England* is never once mentioned in the *Statute*. And that when once an Order is conceived in Council to *suspend* the Act in a single Instance, it is REPEALED in the whole, and your Ports opened to *Enemies* as well as to *Friends*. He concludes with urging that the Power arises from *our* Statute; and therefore, I suppose, it cannot be wrong or injurious. The abominable Statute called after the detested Viceroy, POYNINGS, derives its Authority, as well as *this*, from the *same* Fountain, the King, Lords and Commons of Ireland. Yet it still must be confessed illicit and anti-constitutional. But yet the MASK seems to be an Advocate for more Impositions of the same Kind. It is to be hoped, he will be disappointed.

The succeeding Paragraph requires no Comment to expose it, if the Reader will compare it to what is said in the Address to your Lordship, &c. p. 7, Paragraph the last. The *Counter* Addressor hardly says as much in double the Number of Words.

His Insinuation, that the Addressor seeks to cast personal Reflections any where, and particularly to inroll the Name of a very high and respectable Personage of an unblemished and illustrious Family, with others in a black List, must appear to your Lordship and to every other cool and dispassionate Reader, full of Venom and Falshood.

Your Lordship must see, that the Addressor, in artless Truth and Simplicity, states the Bill, the Alteration made therein, and what he apprehended from passing it into a Law. Whether the Facts and his Judgment and Apprehensions be well founded or not, he every where submits to your Lordship and the rest of the great Body Politic. To offer You less, would have been trivial and impertinent. But that You should not be obliged to pin your Faith upon *his Sleeve*, he desires you will begin with obtaining a Copy of

the

the depending Bill. To *You*, he submits the final Judgment of his Notions and his Arguments. If You think with him, he points out the various legal Means of opposing a Bill in the different Stages of its Progress through each Branch of the Legislature. I appeal to the same Tribunal, what could a Representative filled with painful Apprehensions and Fears, do less in this important Matter, consistent with his Duty and the fair Character of a disinterested Friend and Lover of his King and Country?——And as for Time, he shews You from the History of the Bill, he could not effectually apprize his Constituents sooner of the Dangers he apprehended. If he apprehended what he mentions, and this Nobody seems to call in Question, he must have been immersed in shameful Sloth and totally negligent of his Duty, had he had Time and did not give the Alarm he did. An intervening *Sunday* seemed to be the only Time he had; it was therefore the more meritorious in *him* to seize *that* Time, and his running the Risques he did, must appear meritorious, though he were found mistaken, which has not yet appeared.

If a Black List was at any Time made out, why should the Blame be thrown upon a Gentleman who never added one to the Number. If the *Counter* Addressor's Name stands high in that List, who is to blame? The Addressor could not force him into such Bands. But, what is all this to the present excellent Ch——G——r?

It is, indeed, certain, that remarkable Statute Laws are generally called after the KING or the REGENT, in whose Reign they passed; when, perhaps, the King and his Viceroy have had the smallest Share in them. Thus the Remarkable Statute of Henry VII. is best known by the Name of POYNINGS's Law.

It was then very natural for one who loved our amiable Chief Governor, as all who know him must, to put such an Exclamation in an Address to the City, as would help to raise such an Abhorrence of the Measure, as would make all true Friends to the Government concur in using all Means to prevent the evil Effects apprehended. Let Pages 9, 10 & 11 of the Address be read, and every humane and benevolent Heart must see a perfect Sense of Duty, Loyalty and Affection impressed wherever the Sovereign or the Lord Lieutenant are named. It is asked, *what wicked Enemy to our most gracious King and to the present patriot Administration could contrive a Scheme, which*, if it should take Place, *must prove dishonourable to both?* — And then, your Lordship and the rest of the great Body Politic are called upon, and moved to be the happy Instruments of preventing all the dreaded Evils, by a regular, legal Interposition.

See with what Malignity all this is construed by the FALSE CITIZEN! But your Lordship will excuse him; it is the new Method of paying Court, and in a less penetrating Administration, it might be attended with Success. How many have you seen get in-

to Places and Pensions; by making great Men believe that they were abused, and preparing their Vindications. But these State Pranks cannot be supposed to take Effect under wise and upright Governors, tho' the MASK were not as well provided for as he is.

In the sixth Paragraph, the MASK seems to think he has done the Work, tho' he has not fulfilled *one* Point of his Promises. Yet he hopes, your Lordship and the Public may now see, that the *Alteration* may serve good Purposes, and appears clear of *insidious* Designs. Believe him who can.

As for his succeeding Comment upon MINISTERS, SOMEBODY, RESURRECTION, &c. &c. it seems quite worthy of the Author, and quite below Animadversion.

Whether or no the MASK be got to his Penitentials, p. 7. for the Abuse he has lavished upon the Addressor, is not easily determined—But the Reader surely may be allowed to apply the only humane Paragraph in the Pamphlet to the Addressor, tho' the Author perhaps intended it a Courtly Apology for some Ministers.

By the succeeding Paragraph, your Lordship will see, your MASKED Correspondent is rather an Advocate for *Turkish* or *French*, than for a BRITISH Constitution.——Your Lordship knows, there is no such Office as that of a MINISTER known in our Government, though the Appellation be sometimes in contempt and derision thrown upon certain busy Agents about our Courts.——Yet the MASK says, *Ministers are the Eyes of Government and the Managers of the Commonwealth.* Is this the Language of a *Mufti*? or of the first white *Eunuch* in the SERAGLIO? Or of a *French* FARMER of the Revenues? Sure no Slave dare propagate such servile Notions among us? O! yes; your Lordship will forgive our *Mufti*, he hopes, in some future Time, to get further promotion by this Doctrine.

As for *Placemen* and *Pensioners*, however wise, virtuous, great and numerous they may be among us, it is certain they never were looked upon as quite qualified for the Places of REPRESENTATIVES of the People, in a British Legislature; witness the many just, tho' insufficient Laws in Britain to *exclude* them, and positively to disqualify the latter to sit or vote in Parliament; tho' such is the saving Power of an *Irish* Pension, that if given under a *fictitious* Name especially, it neither disgraces a LORD, or disqualifies a COMMONER in England. As may be seen by the List.

In the pure primitive Ages of our Government, no Man who held a Place under the Crown could sit or be Elected to serve in the House of Commons. Nor is it at any Time very fit they should; because some Offices are absolutely incompatible with the Duty of a Servant, a Representative and Trustee of the People, and all or most are held upon so precarious a Tenure, as the Will of the Sovereign or his Minister or Favourite. And, we need not live to be gray to have seen the Time when Men of the first Character,

both

both as Commoners and Servants of the Crown, have been *turned out* of their Offices or denied due Promotion, merely because their Conduct as Members was not pleasing to *some* reigning Favourite.

This sufficiently shews the Disqualification; while for the Honour of Humanity it proves, that all Men are not to be biassed by the most dependent Places.

As for PENSIONERS, there is nothing so odious and detestable in Parliament. Placemen may be, and often are seen, honest and worthy Members of Parliament. But Pensioners never have been nor can be such. They are ever a servile Band, *hired* by the Minister to support his basest Purposes. And it is most just, that they should wear his Livery, or bear his Brand, in other parts besides their Conduct. They can never be trusted in Parliament, by any but their Master, to whom the Fear of losing their Wages alone keeps them faithful. No Wonder then the Law excludes them from Seats among the Commons, unless when they are *secretly* paid out of the Boundless Pension Fund in *this* Kingdom, or out of the *secret* Service Money in the other.

There is another material Difference between the State of the *British* and *Irish* Pensioners; the one is paid out of the King's Civil List Fund, which is quite at his Majesty's sole Disposal; the other out of the general national Fund, of which, there is not above a sixth part of the Sum of the Pensions unappropriated.

I would not be thought to be so uncharitable as to enveigh against Pensions or Pensioners in general. I think it highly proper the Crown should be invested with Power to do Acts of regal Charity, as well as Mercy, and to reward faithful Services and just Merit, and to provide comfortably and amply for decayed Servants of the Public.

But for all this, there should be a sacred Fund, without violating the Laws in being; and none who receive secret Gratuities or public Pensions from the Crown should be permitted to sit in Parliament.

It is natural to judge of others by ourselves. We must suppose then, that the Addressor viewed Placemen and Pensioners in this Light, which is the Light in which they have ever been considered by all wise and virtuous Statesmen and true Patriots. In this Light; the *Counter* Addressor, who has no Objection to a Pension or a Place, is forced to view them, when he himself calls them, p. 7. *scandalous Betrayers and Sellers of the Rights of the People.*

But according to this MASKED Statesman, *Ministers are the Eyes of Government and the Managers of the Nation*; as such, they would be but maimed Bodies, without *Hands* and *Feet*, therefore PLACEMEN AND PENSIONERS must be allowed them to inable them to move and to act.

What pity it is this Gentleman did not live in the Time of the STUARTS. Then had he made a Figure. For then, in Imitation of the Monarch, who was himself a pensioned Slave to the

great

great Enemy of his Country, the baneful Custom of bribing and corrupting the Parliament with Places, Pensions and Titles first got Footing in England. Then it began to be thought that the Nation, that is, the Measures of the Minister were not to be supported without such illicit Auxiliaries. In Days of Corruption *alone*, it is that such Aids are wanting. Corrupt Measures *alone* can want such Helps, and the Government that cannot act independent of such Tools, subsists *only* in Name.

The MASK will not dare to say, whatever he may think or know, that our present happy, free, patriot Government can want or choose to use such Means. So let him hold what *he* has got. Let him eat his pudding——and hold his Tongue.

What the MASK means by *an Appeal from an Act of the House of Commons to the People without Doors*, I cannot say. I know no Act of the House of Commons, or of the whole Legislature, that is irrevocable. I know no Degree of *Infallibility* assumed by either House of Parliament. And sure the House of Commons pretends to no *absolute* Power; but is even liable to receive Instructions from their Constituents. And sure regular Opposition to *any* Law depending may at all Times be given *in* the House. How is this to be done, if some Account of what is *depending* may not be given, even by a Member to his Constituents? But this is wasting your Lordship's Time and Paper unnecessarily.

But the MASK seems to threaten the poor Addressor. And the late Doctrine of LIBELS, and, I hope, GENERAL-WARRANTS will be imported by this Gentleman, or some others of the same Blade, to compleat the Misery of the Country which they are so industrious in precipitating into Ruin.

If it be an Offence for a Member to apprise his Constituents of Matters depending in Parliament, of the utmost Consequence, in order to put them in a regular and lawful Method of giving *just* Opposition, the poor Addressor, what Pity it is! must be found guilty. But who will not envy him, being the first that was charged with the honourable Crime?—If it should ever become criminal to assert the sacred Laws, and ever to be revered Constitution of one's Country, who would wish to survive the awful Ruins! If this should ever be the Case, which Heaven avert! then may we truly say, with Addison's Cato,

> "When Vice prevails, and impious Men beat Sway,
> "The Post of Honour is the private Station."

The good old Cincinatus thought it no Reproach, after having served his Country in the highest Stations, to retire to his Plow. If I understand the Addressor, he looks for no greater Favour, whenever his Country does not demand those Services, to which he seems to have devoted his Life and Fortune.

But the Gentleman in his incurable Aversion to Truth, asserts that

at this Metropolis has often been disgraced by Tumults raised in is Manner, P. 8. and therefore calls upon your Lordship, and the her Magistrates, by a public Avowal of their Disapprobation to event such evil Effects.

The MASK well knows, what all the City can attest, that there ver was one lawless Meeting or Tumult raised by any Means of e Addressor, and that his Influence on the justly incensed Popuce saved even his cruel Enemies, and those of his Country, from nounced Vengeance.

But I must step forth, for the Sake of Truth and Justice, to cor-ct this FALSE CITIZEN's false Memory, and give him a short istory of the Riots in Dublin, and the Causes of them.

In the Year 1750, a good-humoured, inoffensive Mob attended e Re-embarkation of a great Man, and his Procession, thro' the reets, with Hissings and Groanings, Howlings and Hollowings, ac-ompanied with the discordant Sounds of Marrow-Bones and Cleav-rs, Frying-Pans, Rattles and Cat-Calls, &c. &c.—The visible auses of which were, the *previous Consent's* being then *first* intro-uced in an Act of Parliament, and the City, with several other ities, Boroughs, and Counties being deprived of their Mem-ers.

In some following Sessions, the temporary PATRIOTS were raised, nd took for an Handle the *previous Consent* which found so free a assage before. Then *our* Patriots suffered MARTYRDOM, gave up heir Places, to get better under the next Administration, which hey did, making the Nation pay about *Half a Million* for their RE-LACINGS and PENSIONS, Exchanges and Boots. The Ruler, isplease at his Placemen and Pensioners' running restive, ab-uptly closed the Session. And conscious of having given Cause, readed the Treatment given his Predecessor. Therefore he raised *new* Band of Guards, put a *new* pensioned Justice at *their* Head, rmed the *new* Forces with Arms out of the ROYAL ARSENAL, nd marched thro' the bloody Fray to his Barge.

In another following Session, the most dreadful Riot of all was aised; such an one as the MASK has good Cause to remember vith Terror. Then it was that a Viceroy peremptorily refused to end the ADDRESSES of the COMMONS to the KING. Then it vas that the Parliament out-lived their Constituents and the Con-itution of their Country. Then a Law was prepared, to enable he Ministers to call a Parliament at a *short* Warning, notwithstand-ng the *longest* Prorogation, which gave some small Handle for Sus-icion and Jealousy. This is the MOB, the dreadful Tumult, which he MASK has particular Reason to remember with Horror; tho' he s pleased to place it with others to the Account of the Addressor. The Causes of this are pretty obvious. The *first* Mover of this Riot, has since raised another, in *his own* Country, without any Aid from the Addressor, whatever he might have had from the *Counter Addressor. But he* had more Address than his Predeces-

 sors;

THE USAGE OF HOLDING PARLIAMENTS AND OF Preparing and Passing Bills of Supply, IN IRELAND, STATED FROM RECORD.

Quid verum atque decens curo et rogo. HOR.

Published by authority.

DUBLIN: Printed by BOULTER GRIERSON, Printer to the King's most Excellent Majesty. M,DCC,LXX.

To which is added,

ANNOTATIONS, together with an ADDRESS To His Excellency GEORGE Lord Viscount TOWNSHEND, Lord Lieutenant General and General Governor of Ireland.

By C. LUCAS, M. D.
One of the Representatives of the City of DUBLIN, In Parlement.

DUBLIN:
Re-Printed for THOMAS EWING.
M,DCC,LXX.

ADVERTISEMENT.

ON the 12th Day of *March* laſt, the following Advertiſement appeared in the Public Papers.

his Day at twelve o'clock will be publiſhed, Price 1s. 1d.

THE Uſage of HOLDING PARLIAMENTS; and of preparing and paſſing BILLS OF SUPPLY reland; ſtated from Record.

Quid verum atque decens, curo et rogo. HOR.

Published by authority.

inted by B. GRIERSON, Printer to the King's moſt excellent Majeſty.

But though the Cuſtomers, thus invited, came to the ace, at the Time appointed, and though the Pamphlet s put into ſome of their Hands, it was immediately alled; upon a ſudden Order from the Caſtle, to ſtop e Publication. The Cauſe of this dark Proceding lyes aceled, among other ſecret Myſteries of our wiſe Adniſtration.

The Miniſtry, no doubt, at ſome time, thought the ork muſt have ſerved their Purpoſes. Whether they ink ſo, now, or not, I do not preſume to inquire. But, hink it will ſerve my Cauſe, which is that of my King d Country.

Perhaps, it was thought wiſe to throw out the Adverrtiſement, to ſuſpend the Publication, and hold the ſpended Work over the Heads of the People, in Hopes frighten them into ſubmiſſion to all Sorts of miniſterial ppreſſion.

Let the Cauſes of the Suppreſſion or Suſpenſion of the romiſed and authoriſed Publication be what they may, nd let the Pamphlet anſwer what Purpoſes it may; ſince, y unexpected Accident, it has fallen into my Hands, I canot ſuffer it to be longer with-held from the Public, and herefore, humbly offer it to their Conſideration, in this orm.

One way or other, it muſt bring Light out of Darkneſs, nd promote the Knowledge and the Cauſe of Truth.

Dublin, April 9, 1770. C. L.

TO

HIS EXCELLENCY

George Lord Viſcount TOWNSHEND,

Lord Lieutenant General and General Governor of IRELAND.

MY LORD,

HAD the following Pamphlet been fairly circulated, agreeable to your Excellency's Directions, agreeable to it's Titule and the Advertiſement, which uſhered it into the World; I might perhaps, have ſpared your Excellency, as well as myſelf, the Trouble of accoſting you again, in this Manner.

As this pompous Work, has obtained the Sanction of the Authority of Government, to authenticate it's Publication: it must be aſcribed to your Excellency and your wiſe Council and Miniſters.

As I do not chooſe to treat with Subſtitutes, in a Matter of this national Import I addreſs myſelf to your Excellency. And as this Work, though promiſed and offered to the Public, as the Titule Page expreſſes PUBLISHED BY AUTHORITY, has been as far as poſſible, prevented by Authority from falling into any other Hands, than the Creatures, Agents and Dependents of the Court; I take the Liberty, thus to reſcue it from the intended Obſcurity, though perhaps, to ſerve Purpoſes widely different from thoſe of your Excellency and your wiſe Miniſters and truſty Servants.

I think myſelf authoriſed to take this Step, firſt, by the great Law of Nature, Self-defence; ſecondly, by the ſacred Regard due to Truth and Juſtice; and laſtly, by the moſt diſintereſted and inviolable Love and Regard to my King and Country.

It is much to be lamented, by thoſe who wiſh well to your Excellency, that you had not got this reſearch, into the neglected, periſhing Records of this Kingdom, barren

and fruitless as it has proved, made, before your late memorable Prorogation and Protest: For, then, had your Excellency been left to yourself, it must be presumed, the Nation had escaped unspeakable Injury and Distress, and the Administration, indelible Disgrace.

But, it was thought, and for some Time asserted and believed, that this Pamphlet would have authorised and justified the severest Measures of Administration, towards this poor Kingdom and it's Parlement: For, it was judged, well calculated, not onely to support the Modern exorbitant Clames of the Chief Governors and Privy Council, to originate Bills of Supply, to punish the People and Parlement, with untimely Prorogations, and to insult them with illicit Protests against the Proceedings of a Part of the Legislature, whenever the Commons have the Wisdom and Virtue to assert their indubitable constitutional Rights; but to authorise any Change, if not the intire Subversion of the Constitution of the Kingdom.

For, the Partisans of your Excellency are by this taught, and, I must suppose, authorised, to assert and propagate Doctrines, subversive of the whole Constitution, even of the Institution of Parlement; and these

Documents, we may now expect to see inforced, or attempted to be inforced, by the same Authority, that caused the partial Publication.

The Measure of our Adversity, it seems, is not yet filled: It is not judged enough, that the whole People are abused, vilified, insulted and oppressed, deprived of the Comfort and Support of their Parlement, as soon as they had taxed their Constituents; but that very Parlement is treated with the utmost Indignity and Contempt; while such Members of either House, as have possessed Places under the Crown, though they discharged the Duties of their respective Offices with unquestioned Fidelity and Care, and confessedly to the general Satisfaction both of King and People, are dismissed; merely because they would not Support all the Measures of Administration, indiscriminately, or because they had conscientiously opposed such as they did not approve. It is not enough that such Men are stripped of their Employments, to make Room for Men of a more pliant Disposition; but they are to be expelled the Council Board, whose Power is to be raised and extended, by Authority, as we are to expect from this extraordinary Pamphlet.

Our

Our national Conſtitution, with Parlements, inſtituted upon the model of thoſe of *England*, and eſtabliſhed by the moſt ſacred Authority of living Records, we are taught, by your Excellency's authoriſed Pamphlet, to be but ideal or abſolute Nullities: According to this new Doctrine, nothing is to be moved in either Houſe of Parlement, but ſuch as is judged fit to be dictated by the Prerogative, through the King's Vicegerent and Privy Council. By this, it is aſſerted, that, though in *England*, the Power of moving for and framing Laws, is veſted in both Houſes of Parlement; in *Ireland*, that Power is veſted in the Prerogative alone; or to uſe the Author's, which I may now call, your Excellency's, Words; "In *Great-Britain* the Parlement are the "Formers or Promoters of the Law; in "*Ireland*, the King, by his Chief Governor "and Council; in *Great-Britain*, the final "Deciſion, by Affirmation or Negation, "reſts in the King; in *Ireland*, it reſts in "the Parlement."—If this Doctrine be inforced, as this Pamphlet was publiſhed, by Authority, how vane and chimerical are the received Notions of our Government, though eſtabliſhed for ſeveral Centuries among us, by the moſt ſacred Authority, upon the Plan and Principles of the Government of *England?*

But,

But, though this Innovation may be thought humiliating enough to a Parlement, formerly derived, but now to be perverted, from the same salutary Source of the British Legislature, being thus to be leveled with the pitiful Remanes of the Parlements of *France*, yet subsisting by the Tyrant's permission, for registering his arbitrary Edicts; this Pamphlet, published by Order, and under the Sanction of your Excellency's Authority, no doubt, for new modelling this Government, adds another Body to the Legislature: For, not content with the share, the Privy Council now assumes in the Legislature, which is no less than that of a fourth Estate; by the Doctrine of this Pamphlet, thus authorised by your Excellency; they are not onely to assist the Chief Governor in preparing such Bills and other Matters, as are to be moved by their Permission, in Parlement, but they are to have Seats, with deliberative Voices, in the House of Peers.

Such, my Lord, seems to be the Plan adopted by Authority, for a total Change of the essential and fundamental Form, as well as Principles of Government in this abused Kingdom. Such are the Documents, now authoritatively given, if not to the Public, in general, to the trusty Servitors of Administration, in the partially distributed,

authorised

uthorised Pamphlet. Is it for this, my ord, that all Placemen and Pensioners are rdered to procure Seats in Parlement? Is it or this, all Members, who are disgraced with Places or Pensions, are obliged, upon pain of being dismissed, to undertake the Support of the Measures of Administration, blindly, implicitly, indiscriminately? Is it to forward these purposes, the first Officers of the State and the Privy Council Board are actually, or intended to be, garbled? Are measures like these to be judged suitable Returns to the boundless and invariable Loyalty of the People of *Ireland*? to their strict regard to revolution Principles? to their invincible Aversion to STUARTISM? to their faithful Attachment to the present Establishment, Civil and Ecclesiastic? to their pacific, silent Submission, to the most severe, unprovoked Injuries, purely to avoid increasing the great Distresses, brought upon the best of Kings, by the universal Murmurs and Complaints of the most Loyal of his Subjects, throughout the rest of his Dominions, groaning under the intolerable Exactions and Oppressions of detested Ministers?

I am not insensible, my Lord, that an individual Member of Parliament has no Right, unasked, to obtrude his Advice upon the King or his Vice-gerent. But, as I see no prospect of the Meeting of Parlement, time enough to offer Advice more regularly

regularly, upon the prefent extraordinary Emergency; I think it incumbent upon me, to offer every poffible means of obviating the impending, though I may not have the effectual Means of redreffing the inflicted, Injuries.

Therefore, the Love and Duty, I owe my Soveregne, and the refpect, I am ever ready to pay to all that bear his Authority, call upon me, as they do upon every Man in my Station, indeed, upon every loyal Subject, to offer Advice, in cafe of imminent Danger. The Wife may take feafonable Warning from the Foolifh or Simple. The ungrateful Notes of a Goofe, once prevented the deftruction of the Capital of the World.

As it is to be prefumed, the Publication of this Pamphlet was originally ordered, to juftify paffed and prefent Meafures, and to authorife the intended future Changes to be made, in our Syftem of Government; your Excellency will, for once, permit a real, difintereffed Friend to the King, and his truly worthy Reprefentatives and Miniffers, candidly and freely to examine the Bafis of your intended Fabric, in this elaborate Tract, and to point out the abfolute infufficiency of the recited Records, and of the juft, as well as fuppofi-

titious

titious Inferences from them drawn, to all the Purposes designed.

This, my Lord, cannot well be done, without republishing the Pamphlet. The King's Printer, who was to have Published this important Work, by Authority; has not been permitted to vend one of them. Some Copies, however, of the Edition, he printed, has got into a few favorite Hands, onely; except one, which a Friend procured for me, who fortunately am no Favourite.

To gratify my Fellow-members and Fellow-subjects, who are not intrusted with the Sight of this boasted Charter of Ministerial Power, and to obviate the suspicion of making partial Quotations; I beg leave to take the benefit of the Freedom of the Press, and to re-publish this great and important Work, which must surely redound to the Justification and Honor of your Excellency's passed, present and future Administration; to the Satisfaction and Information of the Public, and to my own Vindication, who have always been hardy enough to assert, as I still do, with all deference to your Excellency's Authority, that the Laws and Constitution of *England*, from those of *William* the first, to those of the tenth of *Henry* the seventh, inclusive, of which, the *Modus tenendi Parlementum* makes an essential Part, are established, the

Laws,

Laws, Conſtitution and *Modus* of *Ireland*, upon as juſt and legal Authority, as thoſe were or now are eſtabliſhed in *England*.

It muſt be preſumed, that, when your Excellency was pleaſed to order the National Archives to be Inſpected, it was with the ſole view of inveſtigating Truths of Importance, to Government and Society. Your Excellency, no doubt, pitched upon the moſt faithful and able Officer, for this intereſting Reſearch. Nor can it be doubted, that this worthy Gentleman has layed every Thing before your Excellency, according to your Order, that could elucidate "the Uſage of "holding Parlements in *Ireland*, and of pre-"paring and paſſing Bills of Supply, from "the earlieſt Period of Recorded Time, to "the memorable, exemplary, Parlementary "Period, of the Year, 1692."

This Inquiry being made, and the Product of it layed before your Excellency, muſt be preſumed to have received the Approbation and Sanction of your Council. It was therefore ordered to be printed and publiſhed, by your Excellency's Authority. Yet ſince, to the univerſal ſurpriſe, it is denied to the longing Public, and onely committed to the Hands of a truſty few.

I mention this, as a complaint againſt your Excellency's Miniſters. Truth and

the

the Honor of the King and Government must have been the Objects of your Excellency's Care and Inquiry. And therefore, it must be presumed, that your Excellency intended the Fruits of this Research, might be freely and fairly imparted to the Public. The discovery must, one way or other, promote the Knowledge and the Cause of Truth. It should not therefore be suppressed, or even partially distributed. Yet so it is, my Lord.—It may be for your Excellency's Honor to punish the Offenders.

If this Pamphlet had not been judged by your Excellency's Council, to contain Means for justifying passed, and authorising the intended Measures of Administration; perhaps, it might not be found necessary to print or publish it. But, if upon a more careful Perusal of the Work in Print, it was found to make more for the Opponents, than the Supporters of Administration; the suppressing it became injurious to Truth and Justice, and shewed a Temper and Disposition, which, even your Enemies, if any you have, will not presume to impute to your Excellency. The Charge must therefore lye onely against some of your Ministers and Servants.

To restore then, this important Work to Light, must be grateful and acceptable to

your Excellency. Let this be my pleasing Task. Thus my Lord, I beg leave to present it, to your Excellency, and to my Friends the Public. You will find it a most fair and exact Copy, with no Interpolation, no Alteration, no Addition; except some short ANNOTATIONS, for the better Elucidation of the interesting Subject.

To prevent the extending the Distractions of the other Parts of the Dominions of our Crown, to this Kingdom, must surely be pleasing and desirable to your Excellency. In your great good Sense, Humanity and Loyalty, you must highly approve and admire the pacific Spirit of this abused People; who, though laboring under more grievous Pressures, than any other of their Fellow-subjects, have not yet been heared to Groan, under their Opprobrious Burdens. They despise the Craft, which has so frequently and so effectually succeded with an other Class of the Subjects, in a remote Part of the neighbouring Kingdom; they have never thought of availing themselves of any embarrassed Circumstances of the Crown, to make extraordinary Demands or Complaints, much less to offer any Disturbance to Government. They patiently wait for the Redress of Grievances, in a peaceful, in a legal and constitutional Manner. This, they have a right to expect from Parlement. Your Excellency must be too wise, too faithful

faithful to your Truſt, by fruſtrating their reaſonable expectations, to encourage the peſtilent Contagion of Diſaffection and Diſcontent, by Miſmanagement and Maladminiſtration, propagated in other Parts of the Empire; to reach this well-affected, loyal and peaceful People. Long and repeted Oppreſſion may waſte their Patience, turn their Heads, as well as their Hearts, and drive them to join in the Common Cry. It cannot be denied, that they have Cauſe, as well as a Right, to complain of heavy Grievances. Every Friend to the eſtabliſhment, muſt wiſh this cauſe removed, and the Grievances redreſſed, in the proper Manner and Place, in the national Council. It is to be hoped, that no new Cauſe of Complaint will be given. But, if theſe are not to be obtained, it can give no juſt cauſe of Offence, if the People are forced to make their Application directly to the Throne.

To make the Regne of our gracious Soveregne, as eaſy and proſperous, as he wiſhes to make his People happy and free, is the Intereſt and Duty of all his Subjects, of thoſe more eſpecially, who are put in Power and Authority under him. Let others do what they judge fit; I am determined to diſcharge my Duty to my King and Country, to the utmoſt of my Ability,

 with

with Integrity, Conſtancy, Fidelity and Fortitude. And morever, I am refolved, I ſhall not be found wanting in the Reſpect and Deference due to his Majeſty's faithful and worthy Vice-gerents. In all which, I cannot doubt being honored with your Excellency's Approbation, and his Majeſty's Protection, the juſt return for unfeigned diſintereſted Love and Loyalty, the onely return, which is ſought, or would be accepted, by,

May it pleaſe your Excelleney!

Your Excellency's

Moſt Faithful,

And moſt obedient Servant,

C. LUCAS.

Dublin, April,
9, 1770.

THE

THE USAGE OF HOLDING Parliaments in *Ireland*, &c.

Stated from RECORD.

"THE late Prorogation of the Parliament, "on account of the *Reason*, assigned in "a Vote and Resolution of the House "of Commons, the 21st of *November* last, for re-"jecting a Bill, intituled, 'An Act for granting "to his Majesty the several Duties, Rates, Imposi-"tions, and Taxes, therein particularly expressed, "for the Space of three Months,' having given Rise

ANNOTATIONS.

The Lines, which the judicious Author, or Amanuensis to his Excellency, here marks with inverted Commas, must be taken for the Directions of Government, for the Work, and no part of the Text. Whence we learn, that it was not the rejection of the Privy Council Money-bill, but the *Reason* assigned for rejecting it, that brought on the heavy Penalty of the late Prorogation. —— The Commons, say the Courtiers might have rejected the Bill, arbitrarily: Their Reason is their Crime. —— *Reasoning* and Debate are therefore to cease in the Senate, by *Authority! Car tel est notre plaisir.*

to various Publications, *(a)* (unſupported by any authentick or adequate Proof,) againſt "the Practice and *Uſage*, (alledged by his Excellency, the Lord Lieutenant, in his *Proteſt)* "of all Parliaments, ſince the making of the Statutes therein mentioned;" his Excellency directed, "that a State of the *Uſage* of holding Parliaments in *Ireland*, and of *preparing* and *paſſing* Bills of Supply, from the earlieſt Period of Time upon Record, to the Year 1692, ſhould be laid before him, for his information."

(b) Accordingly, the following State of ſuch *Uſage*, &c. hath been preſented to his Excellency, and he hath directed the ſame to be made Publick.

May it pleaſe your Excellency,

THE rejected Bill, prepared by the Chief Governor and Privy Council, previous to the holding of a new Parliament, was certified to the King as a Cauſe for ſummoning a Parliament; and by His Majeſty was tranſmitted hither, in the uſual Form, to be treated of and conſidered, approved or rejected, *(c)* by Parliament.

ANNOTATIONS.

(a) "Publications unſupported by any authentick, adequate proof, againſt the Practice and Uſage, alleged by his Excellency in his *Proteſt*."———This Author ſeems to judge, that the *Proteſts* of Chief Governors muſt have invalidated not onely the Journals of Parlement, but even the Statutes; as he judges they are not authentic proof of parlementary Proceedings, precedents or uſage. Even Royal Records are found of no weight when they make againſt the aſſumed Power of Miniſters, and ſtretches of Prerogative. Otherwiſe, the Journals, Statutes and Records, cited in the *Conſtitution of* Ireland *and* Poynings's *Law explained*, in the *Rights and Privileges* of Parlement *aſſerted*, and other Tracts, could not be denied their juſt weight and authenticity.

(b) This Paragraph authenticates the Publication, *by Authority*.

(c) Here again the power of Parlements, to *reject* certified Bills, is allowed: But, they are to be puniſhed if they offer a *Reaſon!*

The

The *Reason* assigned for rejecting this Bill, hath occasioned a Question, Whether the Chief Governor and Privy Council of this Kingdom can, consistently with the Constitution thereof, prepare a Bill of Supply, usually called a Money-Bill, previous to, and as a Cause for holding a Parliament, and offer the same to the Consideration of the Commons; or, whether all Bills of Supply and Taxation, ought not originally and constitutionally to take their Rise in the House of Commons?

No Arguments, unsupported by proper Evidence, can determine a Question of this delicate Nature. The most material Papers, hitherto sent abroad, upon the Subject, are deficient in this respect. The printed Statutes and Journals, on which they chiefly rely, are insufficient: the accustomed Usage is not there to be found. The scattered *(a)* Parliamentary Records alone can assist, in framing a competent Idea of what hath been the usual Method of holding Parliaments in *Ireland*. An Inquiry into those Records, and a Deduction of their Contents, in a series of Time, may possibly tend to ascertain, what was the *Constitution* and *Usage* of the Parliaments of this Kingdom, both before and since the remarkable Statute, distinguished by the Appellation of POYNINGS's Law.

It may be proper to premise, that your Excellency may the better comprehend the State of this

ANNOTATIONS.

(a) Why the *scattered* Records should answer better than the same well collected and preserved, let Courtiers explane. This may be used as an apology for not citing a regular series of Records: And the deficiency is afterwards made manifest, but attempted to be supplied, with *Presumptions, Suppositions, Seemings*; &c.

Question, that the Writs *(d)* of Summons to Parliament in England, ran in the King's Name only (a very few occasional Instances excepted) until the 46th Year of King *Edward* III. when they were issued by Advice of the Council; and the Persons summoned, were required to attend, at a certain Time and Place, to treat together, and give their Counsel to the King, either upon certain arduous and urgent Affairs, especially relating to Him and the State of His Kingdom, or upon some particular Occasion, specified in the Writ. * But the Writs of Summons to the Parliaments of *Ireland* were not only issued "by the Advice of the Chief Gover-"nor and Council;" but the Persons summoned, were required to treat of and consider such Things, as "should be proposed to them by the Chief Go-"vernor and Council, on the King's Behalf." *(e)* Which Circumstance, added to the Council's being summoned to attend, and their sitting in Parliament (as hereafter mentioned) may, in some Degree, account for the Council's having been consul-

* *Dugdale*'s Summons to Parliament.

ANNOTATIONS.

(d) These must have been issued by the Executive Power of each Kingdom, at all times. Where the King does not personally reside, he must act by representation. Whatever was the Law in England, before the reign of Henry the Seventh, became then the established Law of Ireland. The Tenor of these Writs in each Kingdom is the same. By them, the Parlemen are directed *to treat together and to give their Council to the King upon certain arduous, urgent and weighty Affairs, concerning him, the Public Good, the State and defence of the Realm, &c.*

(e) And supposing, for it is not proved, that they were *to treat of such Things as shall be proposed, &c. on the King's behalf*, how or where are they excluded from fulfilling the other part of the Writ! or, rather, are they not bound to obey it, in duty to their King and Country!

dered

dered as a Part of the Legiſlative Body of this Kingdom. *(f)*

And, as the Writs of Summons vary, ſo do the Parliaments in their Form and Manner of Proceeding. This Difference is occaſioned by the King's Abſence from *Ireland*.—In *Great Britain*, the Parliament propoſe, treat of, and prepare for the Royal Aſſent ſuch Cauſes, Conſiderations, and Acts, (thoſe of Pardon excepted) as are thought fit by them to be paſſed into Laws, and the King is veſted with Authority to give or withhold his Aſſent to them, or to any of them: In *Ireland* (his Majeſty being abſent) it becomes neceſſary, that he ſhould be informed or certified of the Cauſes and Conſiderations for ſummoning his national Council, previous to his directing his Writs to iſſue for that Purpoſe. This Information can only be communicated to his Majeſty by his Repreſentative and Privy Council of *Ireland*; and therefore, after ſuch Cauſes are approved by his Majeſty, he empowers the Chief Governor, by Advice of the Council, to ſummon and hold a Parliament; and to lay the ſaid certified Cauſes, by him tranſmitted, before his ſaid Parliament, for their Deliberation, who are veſted with Authority to approve or reject, as they ſhall ſee neceſſary or expedient (*g*). So that

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(f) The King's Counſel are always ſummoned in form, to attend every Parliament. But neither the Privy Council or any other, not even the Judges, as ſuch, were ever known to have any deliberative Voice in the Houſe of Lords, where alone they are obliged to attend and are permitted to ſit, as the Judges alſo are to be covered.

(g) This whole Concluſion is the diametrical Reverſe of Truth, both in Theory and Practice. The Proceedings in Parlement in both Kingdoms agree, in Form and Principle, and

that in *Great Britain*, the Parliament are the Formers or Promoters of the Law; in *Ireland*, the King, by his Chief Governor and Council; in *Great Britain*, the final Decision, by Affirmation or Negation, rests in the King; in *Ireland*, it rests in the Parliament.

(*h*) If His Majesty then, as a primary Cause to hold a Parliament in *Ireland*, proposes a Bill of Supply, to provide for the Maintenance of His Royal Estate, and the Support of His Establishments, He doth no more than propose it (as the First constitutional Mover) to the consideration of His Parliament; and if His Parliament think fit to reject His Bill, and to frame another, better calculated to answer those Purposes, His Majesty takes no Umbrage, but *accepts the Gift*, and returns Thanks for the Supply, *granted by His Parliament*: And the Parliament, on their Part, pass or reject His Majesty's Bill, as they think fit (*i*), without assigning a *Reason* for doing so, being accountable only to themselves for their Proceedings in

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and must do so, until altered by *Authority*. This, I hope, will not be attempted by the present Government.

(*h*) Though the King be the *primary mover* or *Cause* of holding a Parlement, He neither is, nor can be, the *constitutional* or a *particular Mover* there; for all Motions must be made by Members. The business of the King and the Nation are and must be, one and the same.

(*i*) Though the King may be too wise and just *to take Umbrage* at his Parlement's rejecting any Bill, and *might gratefully accept such* Benevolence, *as they may think fit to offer*; yet his Vice-roy, after thanking them in the King's Name and his own, for granting larger Supplies and for a longer Term, than those in the rejected Bill, might punish them with a *Protest* and *Prorogation*. See the Case in Point!

in this particular (*k*).----And, by the Obſervation of this accuſtomed Rule (two well known Inſtances excepted) Harmony and Confidence are preſerved between the King and his Subjects of *Ireland* (*l*).

Sir *John Davies*, Attorney-General of *Ireland*, was elected SPEAKER of the Houſe of Commons, in the Parliament of 1613. In his Speech to the Lord Deputy *Chicheſter*, when preſented to that excellent Governor for his Approbation, he delivered his Sentiments of the ancient *Conſtitution* of this Kingdom, and the *Uſage* of its Parliaments, in the following Terms (*m*).

" The Kings of England no ſooner were Lords of " *Ireland*, but they made a real Union of both theſe " kingdoms, as is manifeſt by authentique Records " of the Time of King *John*, and King *Henry* 3. ſo " as *Ireland* became but as a Member, *quaſi Mem-* " *brum Angliæ*, as it is reſolved by all the Juſtices, " in the third Year of Henry 7. It became a " Member

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(*k*) Here again, *Reaſon* is made the Crime of the Commons!

(*l*) The Commons' aſſerting their original, inherent Right to Taxation, has more than once been cenſured and puniſhed, by *Authority*, though illicitly. See the *Rights and Privileges of Parlement aſſerted*, &c.

(*m*) Nothing more futile, than the introducing the following Speech of an Engliſhman, in the diſcordant and incompatible Offices, of Attorney General to the moſt vane and arrogant of our Monarchs, and Speaker of the Houſe of Commons, who muſt by his former Office be a Slave and Flatterer of Power; unleſs it be introduced for the Note, on p. 26. to give one, out of numberleſs Inſtances of the omiſſions, neglects or Perfidy of the Editors of the Statutes, who render this Kingdom, *depending*, inſtead of, *appending*, as it ſtands in the Parlement Roll: For, the Author himſelf, from the Records, refutes the Principal court Poſitions of Davies, p. 28, 29.

" Member *appendant* * and belonging, as the Act
" of Faculties, 28 *Hen.* 8, calls it; or united and
" annexed to the Imperial Crown of the Realm of
" *England*, as the Statute of 33 *Hen.* 8. which
" gave to that Prince the Title of King of *Ireland*,
" determines it.

" And now, at this Day (God be bleſſed) the
" Subjects of both Realms have but one King,
" which is the renowned King of England; and
" are ruled and governed by one common Law,
" which is the juſt and honourable common Law
" of *England*; and as there is now but one com-
" mon Law, ſo, for the Space of One hundred and
" forty Years after King *Henry* 2. had taken poſ-
" ſeſſion of the Lordſhip of *Ireland*, there was but
" *one Parliament for both Kingdoms*, which was the
" Parliament of *England*, for *Ireland had none during*
" *all that Time*: But, the Laws, made in the Parlia-
" ment of *England*, were, from Time to Time,
" tranſmitted hither, under the Great Seal of that
" Kingdom, to be proclaimed, inrolled, and exe-
" cuted, as Laws of this Realm.

" In this Manner was the Great Charter of the
" antient Liberties of the *Engliſh* Subjects, the Sta-
" tutes of *Merton* and *Marlebridge*, ſent over by
" King *John* and King *Henry* 3. the Statutes of
" *Weſtminſter*, the Firſt, Second, and Third, and
" the Statute of *Glouceſter*, by King *Edward* 1. the
" Statutes of *Lincoln* and of *York*, by King
" *Edward* 2.

" Amongſt the reſt, that of *Weſtminſter* the Se-
" cond and that of *York*, in their ſeveral Pream-
" bles, do make expreſs mention of the People
" and

* *Appending*, is alſo the Word in the Record of the Act, " Authoriſing
" the King to be Supream Head of the Church of *Ireland*;" and not, *de-
pending*, as printed in the Statutes, I. 90.

" and Land of *Ireland*, as well as of *England*, where " the Laws were made.

" All which Statutes, together with the War- " rants and Writs, whereby they were transmit- " ted, we find inrolled and preserved to this Day, " among the Records of this Kingdom. *(n)*

" Doubtless, though the rest of the ordinary " Courts of Justice began with the First Plantation " of the *English* Colonies here, yet the Wisdom of " the State of *England* thought it fit, to reserve " the Power of making Laws to the Parliaments " of *England*, for many Years after.

" So as this high extraordinary Court was not " established in *Ireland*, by Authority out of *Eng-* " *land*, for many Years after, in the Form that " now it is, 'till towards the *declining* of King " *Edward* the Second's Reign; and assuredly, this " Common Council was then instituted, when " *Ireland* stood most in need of Counsel; for, under " the Conduct of *Edward Le Bruis*, the *Scottish* " Nation had over-run the whole Realm; *England* " had the same Enemy at her Back, and the Barons " Rebellion in her Bowels; and so, being distrac- " ted in herself, could neither give *Concilium* nor " *Auxilium* to the distressed Subjects here; so as " they, being left to their own Strength and Coun- " sel, did then obtain Authority from the State of " England,

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(n) But, tho' Parlements were actually called and held here, from the first Establishment of the English Constitution, by Henry the Second; who gave the *Modus tenendi Parlementum*, and held the first Parlement; it must be gratefully acknowledged, that several of the succeding Kings sent over Statutes made in England, declaratory of the common Law there, for the better information of the Subjects of Ireland.

" *England*, to hold this Common Council of the " Realm among themſelves, for the quenching of " that common Fire, that had almoſt conſumed " the whole Kingdom.

" And this, by the Teſtimony of the beſt Anti- " quaries, was the firſt Time, and firſt Occaſion " of inſtituting this high Court of Parliament in " *Ireland*."

It appears however, if full Credit is to be given to Recitals in Acts of Parliament, that, notwithſtanding this learned Argument, not only " the " ordinary Courts of Juſtice," but Parliaments alſo, " began with the firſt Plantation of the *Engliſh* " colonies here;" for, it is expreſly declared by two Statutes †, the *Uſage* of holding Parliaments in *Ireland*, was from the immediate coming in of the *Engliſh*. " That all the liege People of *Ireland* had, " and uſed to hold Parliaments without Interrup- " tion, from the Conqueſt of the ſaid Land by the " moſt noble King, *Henry Fitz-Emprys*, to the pre- " ſent Time."——Likewiſe, in a certified Bill, it is recited " That the Land of *Ireland* is your " Lordſhip's of olde Tyme, annexed to your Crown; " in the which Land, ye and all your Progenitors, " ſome Tyme Kinges of *England*, and Lordes of " *Ireland*, of the Tyme that none Myn renueth, " have had Courtes, that is to ſay, Chancery, " Kinge's Benche, and Eſchequer; and other " Courtes reall, that is to ſay, Parliamentes and " great Conſeilles." *——The firſt Acts alſo, in the printed Statutes, being thoſe of the *third* Year of *Edward* 2, controvert the Poſition, " that " Parlia-

† Parl. Rolls. *ann.* 32 *Hen.* 6. *cap.* 19. and 2 *Ric.* 3. *cap.* 8. not printed.
* Pat. Roll, 19 *Hen.* 6. *cap.* 2.

rliaments were not eſtabliſhed in *Ireland*, till
vards the *declining* of that King's Reign. *(o)*
t, to drop any further Inquiry (as Foreign to
reſent Purpoſe) whether Parliaments were held
arly from the Reign of *Henry* 2, and enact-
eir own Laws; or, whether the Laws of *Eng-*
were received by Proclamation and Inrolment
until the *declining* of the Reign of *Edward*
:t it be ſuppoſed, that the Parliaments of *Ire-*
vere *uſually* held from that Period, *(p)* and
Records ſay, by what Authority they were
, of what Members they were compoſed; and
ıat Forme or Method, Buſineſs was tranſacted
in.

ıe firſt Writ of Summons (it is thought) at
Day exiſting, is to be found in the ancient Re-
's of the See of *Armagh*, and bears Date at
in 1 *January* 1365 (39 *Edw.* 3.). The
that occurs, was iſſued 18 *June* 1369 1365.
Edw. 3.) *(q)* " by the Lord Lieutenant 1369.
d Council;" and the Parliament was to meet
ublin, on *Monday* before the Feaſt of St. *Peter*
incula, " by the Aſſent of the King's Council,
" to

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This Paragraph alone is ſufficient to refute Davies's
h. See more in MOLYNEUX's *Caſe of Ireland.*

Which alone would give them a ſufficient Eſtabliſhment
w, without the Force of the Statute of the tenth of
the ſeventh, Chap. XXII.

How Parlements were called and held, from the Regne
enry the Second to that of this King, which makes the
of about 265 Years, we are left to gueſs at. The
r of the Writ of Summons, at all Times, before and ſince,
rs to be the ſame as in ANNOT. *(d)* *(e)* on p. 22.

" to treat about those Things, which should be " then expounded, on the King's behalf, in his " Parliament, there to be holden." *(r)*

The Writs, bearing Teste 25 *March* 1374 (48 *Edw.* 3.) for a Parliament * to be held on *Saturday* after the Feast of the Holy Trinity ensuing, set forth, " That the King was minded to " summon a great Council, to treat and consult " of certain urgent Affairs, concerning the State " and Realm of *Ireland*." And the persons summoned, are commanded to attend personally, to treat and advise " about such Things, as shall be " propounded by the Chief Governor and Council, " on the King's behalf." † 1374

After

* The Number of the Commons, summoned to this Parliament, were Twenty; Six of whom were returned for the County and the City of *Dublin*,; in the subsequent ancient Parliaments, the Number was Sixty, or thereabouts; and in the Second Year of Queen *Elizabeth*, the Commons consisted of Seventy-six Members; of 232 in King *James* the First's Parliament; of 254 in K. Charles the First's; of 274 in K. Charles the Second's; and of 300 in K. William the Third's, 1692, which hath since continued to be the Number of that Honorable House.

† Pat. Roll. 48 *Edw.* 3.

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(r) In this and the following Paragraph, great Stress is layed on, *to treat and advise upon such things as should be expounded and propounded, on the King's Behalf, by the Chief Governor*, &c. ——— The Summons, in the second Paragraph, explanes this, *to treat and consult of certain urgent Affairs, concerning the State and Realm of Ireland*, which were probably, as it is at this Day, in the next Kingdom, as well as in this, *propounded* in the Speech from the Throne, without presuming to preclude, controul or circumscribe the Power, Authority or Privilege of Parlement.

(t) But, if there had been any irregularity in the conduct or Procedings of these antient Parlements; it may be accounted for by the Ignorance of the Times and the smallness of the Number

After the conclusion of this Parliament, two messengers were chosen, "by the Assent and Ordinance of the noble Lord, Sir *William de Wyndesore*, Governor, and the Council of *Ireland*, to pass into *England*, with certain arduous and urgent Affairs, relating to the Necessity of *Ireland*, and the King's Liege People, and to lay the same before the King and Council in *England*; and there to declare, prosecute, and expedite the same, according to the desire of the Council, expressed in Indentures, perfected between them." * *(t)*

King *Edward* 3 sent his Letters Patent, dated at *Westminster* 18 and 30 *June* 1375 (49.) by Sir *Nicholas Dagworth*, an Express Messenger, to the Parliament, then intended to be summoned, "requiring them to grant him an Aid, to assist him in his Wars with *France*." †——Accordingly, Writs were issued 18 *August* following, and the Parliament met at *Kilkenny* in the Octave of St. *Michael*, "by Advice of the Chief Governor and Council, and in Consequence of the King's Directions, who had sent certain Messengers from *England* to *Ireland*, to treat with the "Prelates, 1375.

* *Idem.*

† Pat. Roll. in *Birm.* Tower 49 *Edw.* 3. *facie*, No. 134, 135.

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Number of the Representatives, and can by no Means lessen the Power or Authority of Parlement in more inlightened Ages.

(*t*) This is no more than what any wise and dutiful Governor should at any time do; but cannot derogate from the authority, power, or privilege of Parlement.

" Prelates, Peers, and Commons of his said " Land, concerning the State and good Go- " vernment thereof." † And Sir *Nicholas Dag-worth* then delivered the said Letters Patent to the Parliament. * *(u)*

A Parliament was summoned 22 *January* 1377 (1 *Ric.* 2.) to meet at *Tristel-dermot*, and the Writs declare, " that it was to be " then held, by Advice of the Council of *Ireland*, " to treat of, agree, and consent to such Articles, " as should then be expounded and declared on " on the King's Behalf." ‡ *(v)* 1377.

In 1380, King *Richard* 2, being minded to hold a Parliament at *Dublin*, on the ensuing Morrow of *All Souls*, " by Advice of the " Lord Lieutenant and Council of *Ireland*, by " Reason of certain most urgent Causes, con- " cerning His Majesty and the State of His " Land of *Ireland*," Writs of Summons were issued 11 *September*, " to treat of, agree, and " consent, and to give their Counsel upon those " Things, which, in the said Parliament, on his " Majesty's Behalf, should be then propounded " to them." ‖ *(w)* 1380.

The

† Prim. *Swetman*'s Reg. p. 49. d.
* Pat Roll. in Birm. Tower, 49 Edw. 3.
‡ Pat. Roll 1 Ric. 2.
‖ Pat. Roll. 4 Ric. 2.

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(u) This is an extraordinary requisition from the Crown, upon some great Emergency, sent by an extraordinary messenger and delivered in an extraordinary manner. But affects not the constitution of Parlement, in *Ireland*.

(v, w) Those are referred to the Annot. *(r)* on p. 30.

The ſaid King "having determined to call a "Parliament, by Advice of *Edmund*, Earl of "*March*, his Lieutenant and the Council, to "meet at *Clonmell* on *Monday*, after the Feaſt of "St. *Peter ad vincula*, on Account of many ur-"gent Affairs, relating to the State and Safety, "the Defence and good Government of *Ire-"land* *;" and the Lord Lieutenant dying ſoon after, the King, by Commiſſion, dated at *Weſt-minſter* 29 *March* 1382, authoriſed his Lieutenant, *Roger*, Earl of *March*, to ſummon a Parliament, with all poſſible Diſpatch; declaring, "That, without great Labour and im-"menſe Expence, he could not Suſtain and Main-"tain the Weight of Affairs, Incumbent upon "him, for the Rule and Safety of his Dominions, "and the Expedition of his Wars; that, by his "late Lieutenant's Death, it became Expedient "and Neceſſary, that a Parliament ſhould be held "for the good Government, Safety, and Defence "of *Ireland*; and, that having conſidered the "State of the ſaid Land, and the manifold Ex-"pences, neceſſary for the carrying on his Foreign "Wars, and having expounded the ſame to the "Parliament, they might diligently Treat and "Conſult in the ſaid Parliament, as well concern-"ing the good Government, Safety and Defence "of the ſaid Land, as the Support of the Bur-"then, neceſſary on his Part, for the Reaſons "aforeſaid, to be performed and fulfilled: And, "that he ſhould certify to his Majeſty in *England*, "with all poſſible Expedition, by fit Meſſengers, "to be choſen on the Part of the ſaid Parliament, "whatever ſhould be ordained, conſented to, and "enacted by the Prelates, Peers and Commons in "the ſaid Parliament †."——The Writs were iſ-

1382.

ſued

* *Pat. Roll. 5. Ric. 2.*
† *Idem.*

fued 29 *April* following, and the Perſons ſummoned, are required "to treat, conſult, agree, "and conſent to and upon thoſe Things, which "ſhall then and there be expounded and declared "unto them, on the King's Behalf *." —— And to the ſubſequent Parliaments of 1409, &c. the Writs of Summons are of the like Tenor. (*x*)

Theſe Publick Records ſhew, that the Antient Parliaments of *Ireland* were held by Commiſſions, under the Great Seal of *England*; (*y*) that Writs of Summons were regularly iſſued, in Virtue of thoſe Commiſſions; and it is alſo manifeſt, that ſo far were Chief Governors from being veſted with an arbitrary Power of holding Parliaments, (*aa*) (as generally aſſerted) that, after they had received Commiſſions for that Purpoſe, they could not transfer that Power, or depute any Perſon to ſup-

ply

* *Idem.*

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(*x*) This alſo may be referred to the ANNOT. (*r*) on p. 30. with this aditional ſhort obſervation, that the King wiſely threw himſelf upon his parlement, explaned his neceſſities, left it to his parlement to relieve them, and deſired ſpeedily to be informed of their determination, by his Governor, without offering any obſtacle or limitation to their deliberations, reaſonings or acts for the *good government, ſafety and defence of the State, and the ſupport of the burden, neceſſary on the King's part.*

(*y*) The intentions of the Crown, to call a parlement, could not otherwiſe be authenticated to the Viceroy; who muſt have iſſued the Writ of Summons under the great Seal of *Ireland.*

(*aa*) But that ſuch parlements were ſo held, the learned author is afterwards forced to confeſs, p. 40. as aſſerted in the *Conſtitution of Ireland, and Poyning's law explained.* And he cannot deny, that theſe, as well as the parlements called by the King's order, paſſed many Statutes, private and public, to which the Governors gave the royal aſſent in their own names, *withont* conſulting their Soveregne.

ply their Rooms, upon neceſſary Avocations, without a ſpecial Licence from the Crown, under the Great Seal *; or by expreſs Ordinance of Parliament †.

The Writs of Summons further indicate, that the Privy Council, not only aſſiſted the Chief Governor in preparing ſuch Matters, as required the calling of Parliaments; but that they alſo actually ſat in the Upper Houſe of thoſe National Aſſemblies: For, Writs, of the like Tenor with thoſe directed to the Peers, were directed to them, "*qui ſunt de concilio Domini Regis*, or, *de Concilio Domini Regis exiſtentibus*," requiring their Attendance. It hath been objected, that the King's Council named in thoſe Writs, are the Gentlemen of the Long Robe, who attend by Writs, to aſſiſt the Upper Houſe with their Advice, when required. But, it is to be obſerved, that the Place aſſigned to the King's Council, was, to ſit among the Barons §; and in Proof of their being conſidered as a Part of the Legiſlature of this Kingdom, the following Inſtances, may be thought ſufficient. (*bb*)

"Memorandum, That where the Lord Juſtice, "Chancellor, Treaſurer, and others, the King's

 "Coun-

* Pat. Rolls of 5, 9, 12, Ric. 2. &c.
† Parliam. Rolls. Sparſim.
§ Pat. Rolls, of 48 Edw. 3. 1, 4, 5 Ric.

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(*bb*) Had not this propoſition been groſsly abſurd and unworthy of his Excellency's amanuenſis, it might be thought of dangerous tendency. Such Writs of Summons now are, and always have been ſent, not to the *Privy Council*, but to the King's *Council*, *Judges*, *Maſters* in Chancery, &c. who are allowed ſeats by curteſy, but not voices, in the Houſe of Peers. Their ſitting among the Barons, perhaps thoſe of the Exchequer, or upon the Lords Barons' bench, is too trifling a circumſtance to be dwelled upon.

" Council in *Ireland*, and the Prelates, Peers, and " Commons, in Parliament aſſembled at *Triſtel-* " *dermot* this Year (1 *Rich.* 2.) among other " Things treated of and debated in the ſaid Par- " liament, how *Murgh O'Bryen*, &c *. (*cc*)

" Whereas the Officers of the Exchequer under " the late King *Edward*, the King's Grandfather, " have ſet forth by their Petition, preſented to " *Lionel*, Duke of *Clarence*, late Lord Lieutenant, " and others of the Council in Parliament aſſem- " bled at *Kilkenny*, in the fortieth Year of *Ed-* " *ward* the 3d, &c. And whereas the Officers of " the Exchequer, perſonally appearing before " *James* Earl of *Ormond*, Lord Juſtice, and others " of the Council, in a certain great Council, held " at *Triſteldermot*, on the Morrow of St. *Hilary* " laſt paſt," &c †. (*dd*)

" The Prior of the Houſe of St. *Patrick* of " *Downe*, in *Ulſter*, by Petition to the Earl of " *March*, Lord Lieutenant, and Council in Par- " liament aſſembled at *Dublin*, on *Saturday* the " Morrow of *All Souls*, 1380 §." (*ee*)

And by a Statute, in the Reign of *Henry*, 6, " It is ordained and eſtabliſhed, that, for the great

* Pat. Roll. 1 Ric. 2. † *Idem.*
§ Pat. Roll. 4 Ric. 2.

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(*cc*) This paragraph can prove no more, than an early inſtance of the ambitious and uſurping diſpoſition of the Privy Council; a diſpoſition which their ſucceſſors ſeem to have fully inherited; except the confuſion of thoſe dark ignorant days, in which certain Crown officers are ſayed to have made up a motly, medley parlement.

(*dd*) (*ee*) Theſe paragraphs prove a little too much— In the former, the ſtate officers and council make up onely the principal part of the parlement. In theſe, the parlement is compoſed of the Council alone; regardleſs of the Prelates, Peers, octors and Commons!

"great Succour and Support of this poor Land, a Meſſage be ſent into *England*, to certify our Sovereign Lord the King, and the Duke of *York*, Lieutenant of this Land, of the great Danger that hangs over this Land, by which the ſame is likely to be totally ruined, if ſome ſpeedy Remedy be not had out of *England*, for the Prevention thereof. Of which Meſſage, thus to be ſent, there ſhall be Six Perſons, that that is to ſay, one for each of the counties of *Dublin*, *Meath*, *Uriell*, and *Kildare*, one Prelate, and one *for the King's Council*." *

The Tendency of theſe Records is evident. *(ff)* They not only refute the received Opinion, that "from *Henry* 2. to *Henry* 7. the King's Deputies frequently held Parliaments, and enacted ſuch Laws, as they thought *advantageous for the Publick*, without any particular *Directions or Authority* from the Crown for that Purpoſe." That, "Before the paſſing of *Poynings*'s Law, the Chief Governors were ſo fully veſted with the Regal Authority, that they were empowered to give the Royal Aſſent to all Laws whatſoever, *without communicating them to the King, or the Miniſtry of England*." That, Parliaments were

* Parliam. Roll. 34 *Hen.* 6. *cap.* 8. not printed.

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(ff) Here ſeems to be a Statute paſſed without a commiſſion from England. And it ſeems by this, that it was then judged, that no meſſage, to certify the King and his Lieutenant of the dangerous ſtate of the Realm, could be properly ſent into England, but by the authority of parlement. And here it appears, that the Commons ſent four meſſengers, the King's Council, but one.

" ſummoned at the Will of the Chief Gover-
" nors, and Laws enacted at their Inſtance and
" Pleaſure (frequently *deſtructive of the Publick*
" *Good) without any Warrant from* England, for
" holding the ſaid Parliaments, or any *Directions*
" from thence, relating to the Matters and Acts,
" to be conſidered of and paſſed by thoſe Parlia-
" ments." And that, " the only Motive for
" having this Law made was to prevent the Abuſe
" of that exorbitant Power of the Chief Gover-
" nors for the future." * † *(gg)*,—But further,

The foregoing Records, and the Commiſſions of Deputation, for holding Parliaments in the Governor's Abſence (1), diſcloſe the regular and uniform Practice of holding Parliaments in *Ireland*; *(viz.)* " That they were (2) held by Li-
" cence

* This Opinion ſeems to be founded upon the Recital in the Act of 11 *Eliz.* (printed I, 346.) " That there be no Bill certified into *Eng-*
" *land*, for the repeal or ſuſpending of *Poynings*'s Law." The Recital is,
" Before which Statute, *when Liberty was given to the Governors*, under
" your Majeſty's Progenitors, to call Parliaments at their Pleaſure." Whereas, the true Recital, agreeable to the Evidence here given, and to what will follow, ſhould have been, *when Liberty was taken by the Governors.* (*ii*)

† The Conſtitution of *Ireland* and *Poynings*'s Law explained, Page 7. ——Remarks upon *Poyning*'s Law, by a Gent. of *Ireland*, 1758, Page 7, &c.——*Ware*'s Antiquities by *Harris*, Page 87.——And other Writers on this Subject.

ANNOTATIONS.

(gg) Though the learned amanuenſis conſiders theſe opinions, confuted by the recited Records, he is forced to allow the truth of them, and even to ſupport them by the citing of Records, from this page, to the Annotations, p. 42. *(hh)*

(ii) Here the ingenious amanuenſis is pleaſed, upon his imaginary Evidence, to invert the recital of the Statute, and puts his Aſſertion in oppoſition to that of the parlement of Queen Elizabeth. Believe him who will.

(1) As far as they go, which is neither conſtant or certain.

(2) Sometimes, not always.

"cence and Commiſſion from the King (3), in "his Name, (4) and with his Knowledge of the "Cauſes and Matters (5), to be conſidered and "treated of; that he aſſembled his National "Council by Advice of the Chief Governor and "Privy Council; that (6) Petitions (7), now cal-"led Heads of Bills, were exhibited to the Chief "Governors and Council, for the redreſs of "Grievances, and the obtaining of Graces in the "ſaid Parliaments; that the Chief Governors "were to receive the Anſwers and Certificates, "which the Prelates, Peers, Clergy, and Com-"mons (8), ſummoned to the ſaid Parliaments, "ſhould make concerning the State of the Land; "and were obliged, from Time to Time, to lay "the State of Affairs before the King and Coun-"cil of *England*, by choſen Meſſengers; and to "receive *Directions* relating to ſuch Matters, as "concerned the King and the welfare of the King-"dom; which, after the Meetings of the Par-"liaments, were to be propounded, on the "King's behalf, for their Deliberation, and final "Determination, (9)."

Such

ANNOTATIONS.

(3) Often otherwiſe.

(4) Sometimes in his name.

(5) Offered as conſiderations for calling a parlement.

(6) In days of darkneſs and ignorance.

(7) Not in the form of thoſe.

(8) Here he leaves out the Privy Council, whom, he before made the moſt eſſential part of, if not the intire parlement.

(9) And here, he, I ſuppoſe inadvertently, reſtores the lately degraded parlement, to it's lawful ſtate. For, it ſeems what one parlement propounded to the Governor and Council, they tranſmitted to the King, which, meeting with the royal approbation, fell again under the conſideration of the ſame, or ſome ſubſequent parlement, for their final Determination. *And this, the Commons'* journal ſhews to have been often *the caſe.*

Such was the Method of ſummoning and holding of Parliaments in *Ireland*, until the Civil Diſſentions between the Houſes of *York* and *Lancaſter*, ſo totally engroſſed the Attention of England, that the Conduct of Affairs in this Kingdom became almoſt, if not entirely, abandoned by the *Engliſh* Government, and reſted in the Chief Governors; who were neceſſitated to call frequent Parliaments, in order to preſerve the *Engliſh* Pale from the Ravages of *Iriſh* Enemies and *Engliſh* Rebels; who, taking Advantage of the diſtracted State of *England*, confederated to throw off all Subjection to the eſtabliſhed Government, and to attempt the Conqueſt of the Land, (10).

"So, as upon the End of theſe Civil Wars in "*England*, the *Engliſh* Law and Government "was well baniſht out of *Ireland*, ſo as no "Foot-ſteppe or Print was left of any former "Reformation." *

This extraordinary Power, ſo reſting in the Chief Governors, was by them exerciſed for ſome Years without Controul; and too often to the great Oppreſſion of the People *(11)*. It is obſervable, that from the 16th to the 27th Years of *Henry* 6, the very Stile of the Writs of Summons is varied, *(viz.)* from being iſſued, *by the Advice of the Chief Governor and Council*, to that *of the Chief*

* Sir *J. Davies*'s Diſcoverie, &c. p. 158, Edit. 1761.

ANNOTATIONS.

(10) Here he begins to offer proof, in ſupport of what he conſiders refuted, p. 38, *(gg)*, and ſo proceeds on to p. 42, *(hh)*.

(11) See the *Conſtitution of Ireland and Poyning's Law* explained, and *the Rights and Privileges of Parliament aſſerted*, &c.

Chief Governor alone. During this Period, the Deputy would call two or three Parliaments in a Year, and impose a Subsidy in each, generally of ten Shillings the Ploughland, for the defraying of his Expences, and rewarding of his Services, to be levied in the same Manner with the royal Subsidies; for, as "there came no Treasure out of "*England* to pay the Soldier, the poor *English* "Subject did bear the Burthen of the Men of "Warre in every Place, and were thereby "so weakened and impoverished, as the State "of thinges in *Ireland* stood very desperate." * Nay, so intollerable did this Imposition at length become, that an Act, or Ordinance was made, "That if Need required, "that of Necessity one Parliament or Great Coun- "cil shall be had before the Governor of the Land "for the Time being, that for the future there "shall be summoned but one Parliament or Great "Council within one year; and if the Chief Go- "vernor, for the Time being, should cause the "King's Writs to issue to have one other Parlia- "ment or Great Council within the said Year, "that then it shall be lawful for those who are "summoned, to absent themselves, and not to "come to the said Parliament or Council, so sum- "moned, without incurring any Damage or Loss: "And, that any thing done in such Parliament or "Great Council, shall be void, and held of no "Effect, by Authority of this Parliament. (*i*) And "this Ordinance shall continue for three Years." † 1456.

——And, in the succeeding Reign (1479) among the Directions, sent by King *Edward* IV. to the Lord Deputy *Kildare* for his Conduct, he is restrained from raising Money in 1479.

* *Idem*, p. 41. also p. 48.
† Parliam. Roll, 34 *Hen.* 6. *cap.* 6.

in an extraordinary Way. " *Item.* In no Parlia-
" ment to be holden hereafter, there ſhall no
" Subſidy be axed, ne granted in the ſame upon
" the Commons, ne levied, but one in a Yere,
" whiche ſhall not excede the Extent of ſeven
" hundred Mark, as has been accuſtomed." † *(hh).*

But, further to evince, that the foregoing irregular and unauthorized manner of holding Parliaments, *(ii)* was no more than temporary, occaſioned by the Civil Wars; and that whenever the King was at leiſure to attend to the Affairs of *Ireland*, the Chief Governors were reſtrained, *(kk)* and the uſual Method adopted and purſued, the following Inſtances may ſuffice; and (connected with the Records already mentioned) diſtinguiſh *Poynings*'s Act to be a declarative Law of the ancient *Uſage*, and enacted, chiefly for the Reſtoration of Parliaments to their priſtine State, the Prevention of future Abuſe, the Preſervation of the

† Patent Roll, 19 *Edw.* 4.

ANNOTATIONS.

(hh) Where is the Commiſſion from the Crown to hold this Parlement of 1456, p. 41, *(i)*? Where is the Tranſmiſs? Were all theſe forms, before pronounced ſo eſſential, omitted here? Was not this, in all reſpects, a conſtitutional Statute? And were not theſe Inſtructions equally wiſe and juſt?

(ii) But this is rated among the *irregular* and *unauthoriſed* Parlements! Though neither this or any of the reſt recited, appear to have been condemned or repeled in the ſubſequent regne.

(kk) Throughout the *Conſtitution of Ireland*, &c. *explained, the Rights and Privileges of Parlement aſſerted*, this is maintained to be the chief, if not the ſole Motive of Poynings's law, confirmed by the Expoſitory ſtatute of Philip and Mary. See the later pamphlet, particularly p. 41, 69, 70, and 75. And *ſure, no* ſenſible ſubject wiſhes ever to ſee this juſt reſtraint *on governors* relaxed.

he *English* Government in *Ireland*, and the Reformation of the Kingdom.

July 1, 1441, the *Articles*, passed in the Parliament, holden at *Naas* that Year, were transmitted to *England*, with an humble Request from the Parliament, "that the King "would graciously receive and remedy the said "*Articles*, by the Advice of his right worshipful "and wise Council." These *Articles* were sent by *Stephen Roche*, the Attorney General, "Messenger, chosen by all the Estates of the said "Land, to come to your gracious Presence with "certain *Articles*, touching the State of your said "Land *ensealed Patent wise*, under your Great "Seal of your said Land; beseeching you humbly of your high Grace, benignely to accept the "said *Stephen* and *Articles*, and they graciouslie answered, to command the said *Stephen* to repair "againe in godely haste into your said Land, to "the great Confort of all your liege People "there, most excellent and gracious Lord, *&c.* "Written at the *Naas*, the furste of *Julye*. 1441.

"Your humble Subjectes and Liege Men, "*James*, Erle of *Ormond*, Depute Lieutenant of your said Land, and Lordes "Espirituels and Temporells, Procurators, and Commones ther." (*ll*)

This

ANNOTATIONS.

(*ll*) This is but a loyal request of the Parlement to get certain Bills passed by the Crown. It is but what is now practised in every session; onely with different messengers, and all that the gentlemen in opposition to the late and threatened measures of the ministry, contend for. It is however wonderful, how the amanuensis, in reciting the Estates, who *signed this Request*, omitted adding the Privy Council, which *he elsewhere makes an* essential Estate of the Legislature, if *not the whole and sole* Parlement. See p. 35.

This Meſſage was accompanied with "*Inſtructions*, given by the Erle of *Ormond*, Depute "Lieutenant of *Ireland*, and the Kinge's Counſeill there, to *Stephen Roche*, the Kinge's Attorney in the ſaid Land, to ſhew to the Kinge, our "Sovereign Lorde and his Counſeill in *England*, "according to the *Articles* that follows, and ben "*enſealet Patente wiſe*, under the Kinge's Séale of "his Land of *Ireland*." * (*mm*)

The ſaid *Articles* were the Acts paſſed; and the *Inſtructions* contained the *Articles*, required to be paſſed in the next Parliament; and both are *certified* and *tranſmitted* under the Great Seal. (*mm*)

Two Parliaments (*nn*) having been held, in oppoſition to each other, at *Naas* and *Drogheda*, and great Variances having thereupon enſued in *Ireland*, King *Edward* 4. not only "ſignified his "Will, Determination, Commandment, and Pleaſure concerning them, and which of their Acts "ſhould

* Pat. Roll, 19 *Hen.* 6.

ANNOTATIONS.

(*mm, mm*) This is a Precedent which the loyal people of Ireland wiſh to be always obſerved; that no Lieutenant of the King ſhould preſume to ſend over Bills for the royal approbation; otherwiſe than under the ſanction and authority of Parlement.

(*nn*) By what Authority did theſe two Parlements meet and ſit? It appears not, that the King authoriſed either. Yet, he cenſures neither, nor proteſts againſt their acts. He onely prefers and ratifies the acts of one; never diſputing the legality of the Governor's ſummoning and holding a Parlement. After which, p. 45, (*oo*) he directs what acts he judges neceſſary to be paſſed in the next Parlement, without preſuming to limit or controll their deliberations, or circumſcribe their power, privilege or authority. But, we find by the printed ſtatutes, Vol. I. p. 57. that the Drogheda Parlement is deemed void and of none Effect; and this, *at the prayer of the Commons, without any* apparent tranſmiſs.

'ſhould be eſtabliſhed; and particularly that the 'Subſidy, granted by the *Drogheda* Parliament, 'foraſmuch as he underſtood, that it was granted, 'and alſo in a great part levied, for the Wele and 'Defence of His Land of *Ireland*, ſhould be good 'and effectual; and (having been granted with-'out proper Authority) ſhould be alſo authorized 'by the Parliament, now next to be holden." But wills alſo, "That a general Act of Reſumption, 'from the firſt day of King *Henry* the Sixth's 'Reign, be had and made in the next Parliament 'touching his Revenues——and that ſuch Pro-'viſion be made upon the ſame by our Deputy 'Lieutenant there according to his Pleaſure; 'which our Pleaſure we have ſhewed unto our 'right truſty and well beloved Couſin the Erle of '*Kyldare*, whom we have ordained to be Deputy 'Lieutenant, and to the Reverend Father in God, 'the Biſhop of *Meith*, whom we have ordained 'to be our Chancellor."——His Majeſty wills alſo, that, "if any act had been made to his 'Prejudice, and in Derogation of his Crown, in 'reſtraining of *Tonage* and *Poundage*, it be utterly 'revoked and annulled; and in the Parliament, 'that ſhall be now next holden, the old Grant 'thereof be renewed and eſtabliſhed, as ſhould be 'beſt for his Right, Wele, and Honour." And then directs, "*what Acts ſhall paſs in the ſaid Par-'liament.*" * (oo)

This may be enough to ſhew the *Uſage* and *Manner* of holding Parliaments, before the making

* Patent Roll, 19 *Edw.* 4.

ANNOTATIONS.

(oo) See p. 44.

king of *Poynings*'s Law; it now remains to trac the *Usage* from the passing of that Statute. (*pp*)

When King Henry 7, had defeated the firſt Attempt of the Dutcheſs of *Burgundy* (King *Edward* the fourth's Siſter) to diſturb his Government in *Ireland*, and had accepted the Submiſſion of his *Iriſh* Subjects, ratified by their Oaths of Allegiance, he took the deplorable State of the Kingdom into Conſideration, and endeavoured to provide for it's future Settlement: But, being interrupted in this great undertaking by a ſecond Impoſtor, (*qq*) he ſent Sir Edward Poynings, *a right worthy Servitor in War and Peace* † to expel *Warbeck*, to reduce his Adherents, and to hold a Parliament, that ſuch Laws, as, by the advice of his Council of *England*, he had prepared to reform publick Diſorders, to reſtrain future Exceſſes, to extend the courſe and execution of the Law through the whole Land, and to eſtabliſh his Government, might be deliberately conſidered, concluded upon, and enacted by his ſaid Parliament.

That the Acts, to be paſſed by this intended Parliament, were thus prepared by the King, before Sir *Edward Poynings* left *England*, may be concluded from His Majeſty's Letter to the Governor, relating to the Act of Reſumption, dated at his Manor of *Shene*, 4 *May* 1495. " When " w

† Diſcoverie, &c. p. 159.

ANNOTATIONS.

(*pp*) This does but ſhew, that, at ſometimes, not alway Bills or Articles were ſent by Parlement to the Crown for Approbation, before Poynings's law paſſed.

(*qq*) The reception, given theſe Impoſtors, ſerves to give a early, extraordinary proof of the loyalty and credulity of th Iriſh, who always fatally adhered to the now happily explode otions of a divine hereditary right.

" we by the Advice of our Council, at your De-
" parture from us into our ſaid Land, ordained
" and appointed, that at our next Parliament,
" then to be holden in our ſaid Land of *Ireland*,
" an Act of Reſumption ſhould be had for us, in
" certain Forme, put in Writing, ſigned by us,
" and *to you delivered*." * (*rr*)

Among thoſe Acts, the firſt upon the Record of that Parliament (after the three uſual General Proviſions for the Liberties of the Church, of the Kingdom, and of all good trading Towns) is an Act of Supply, paſſed " at the Requeſt and Sup-
" plication of the Commons of this Land of *Ire-*
" *land*," (*ſſ*) whereby Coigne and other *Iriſh* Exactions are aboliſhed, " and a Subſidy granted of
" 26s. 8d. out of every ſix ſcore Acres of arable
" Land occupied and manured; to be levied, as
" it hath been cuſtomably uſed in Times paſt, to
" be diſcharged of Coigne and Livery and Paie, and
" of other unlawful Impoſitions, &c. to be had
" and

* Parl. Roll, 10 *Hen.* 7. *cap.* 11.

ANNOTATIONS.

(*rr*) It has never been diſputed, that the King had a right to propoſe the inacting of laws, to his Parlements. This has always been done and is the practice at this day, as appears by the ſpeeches from the throne. But the *act of Reſumption alone*, and none of the other *acts*, is given in charge to the Governor. Which is this Candor or Fraud in the Amanuenſis?— This runs thro' the next following paragraph.

(*ſſ*) Can there be a ſtronger proof of Poynings's law being calculated onely to reſtrain the power of the chief Governors, not of the Parlement? can there be a ſtronger proof or acknowledgment of the Commons' ſole and excluſive right of taxation, than tranſmitting a bill of ſupply, in this regne, beginning with the *requeſt and ſupplication of the Commons?*— Whenever they have paſſed ſuch a tranſmitted bill, it is probable they were induced by this form being obſerved. But, tho' this act of ſubſidy appears, from this authority, which ſeems doubtful, if not falſe; to have been tranſmitted, in five *years after, another* was paſſed, which appears not to have *been tranſmitted.* p. 48, (*tt*)

" and perceyved from the Feast of *Easter* 1495, " unto the full end and term of five Years then " next ensuing." To which is annexed this Proviso. " Provided alway, that the Lieutenant " and Deputy of this Land, and the King's Coun- " cil of the same, for the time being, at all times " necessary and requisite, have full Power and " Authority, after their Discretion, to add and " enlarge more Acres of Land unto every six " score Acres of arable Land, not being fertile " as other Acres be, whereof every Acre exceed " not two pence, or under that Sum, that the " value of the number of such Acres of arable " Land, being of small value, be made and ex- " tended Egal, and according in Valure unto six " score Acres of Arable Land being good and " fertile." *

Before the Expiration of this Act of Subsidy, another was passed by the Parliament of 1499 (15 *Hen.* 7) as will follow. For, although the Transmisses of the Bills, passed in the succeeding Parliaments of *Henry* 7, are not now to be recovered; yet the Presumption *(tt)* is, that the Bills were certified and transmitted, in conformity to the Method, prescribed by *Poynings*'s Law; indeed, 'tis

* This Act is not printed. The Preamble is incorrectly published in Sir *John Davies*'s Discoverie, &c. Page 132. Who also writes (Page 161) " To abundance the Profites of the Crown; first he obtained a Subsidy " of 26 s. 8 d. out of every sixe score Acres manured, payable yearly for " five Years. Next, he resumed all the Crown-land, which had been " aliened (for the most part) by *Richard*, Duke of *Yorke*: and lastly, he " procured a Subsidy of *Pondage*, out of all Merchandizes imported and " exported, to be granted to the Crown in perpetuity."

ANNOTATIONS.

(tt) Here the zele of the Amanuensis seems to have eclipsed his Judgement. Who is to trust to his *Presumption*, where the *proof* is to be rested on *Records* alone? p. 49, *(uu)*.

'tis absurd to suppose the contrary (viz.) that Bills, within five Years after the making of that Law, should be prepared and passed in direct Violation thereof, when we find it to be punctually observed at the distance of twenty Years. *(u u)*

No Argument can be drawn, in support of such a Supposition, from the printed Statutes. *(v v)* The two Acts of the 14th and 15th Years of *Henry* 7, * are said to be no more than *Extracts* from the Parliament Roll. They both passed in the same Parliament, and at the same Time, (viz.) at *Tristyldermot*, on *Monday* 26 *August* 1499 (15 *Hen.* 7.) where the Parliament was begun and concluded. The former is, (as the Extract sets forth upon the Roll) " An Act to enforce the *English* Acts of Par-
" liament for punishing of Customers, Comptrol-
" lers, and Searchers, for their Misdemeanor or
" Negligence in their Office; or, for the Punish-
" ment of Merchants and their Factors; or, for
" the good ordering of them; be put in Executi-
" on by the Officers of this Land, in like manner
" as in *England*, after they be proclaimed in *Dublin*
" and *Drogheda*, and other Market Towns, to the
" Intent that Merchants may know what those Acts

* They are so printed in the Statutes, I. 57, 58, as if passed in distinct Parliaments.

ANNOTATIONS.

(u u) A strict attention to the restrictive statute, might no more have been thought now necessary, than it was in the regne of Henry the eighth and Elizabeth, when that statute appears to have been more than once, neglected or disregarded, suspended or repeled, from the confidence reposed in the Chief Governor, who, alone was restrained in his power by Poynings's law. See the Constitution of *Ireland*, &c.

(v v) Here our ingenious author calls upon us to take his bare *Assertions*, as before, his *presumption*, for proofs equal to records!

"be, and the Peynes of the same." And the latter, "A Duty granted to the King and his Heirs, "of twelve Pence, out of every twenty Shillings "worth of all manner of Merchandizes and "Wares, imported to be sold in *Ireland*; and the "same Duty for Goods, to be exported to be "sold Abroad, except Wine and Oyl." Three other Acts (not printed) passed at the same Time, one of which is "for a Subsidy, granted to the "King *." *(w w)*

The holding and concluding of Parliaments at one Place, and in a few Days (as was frequently the Case) is a presumptive Proof, *(x x)* that the foregoing Acts were prepared and passed pursuant to the Directions of *Poynings*'s Law; but this presumptive Proof is only offered as an Answer, proportioned to the Arguments, advanced to the contrary by several Hypothetical Writers; for the Proof rests not there. The following Act is positive, and not only accounts for the Reasons, upon which *Poynings*'s Law is founded, but that the acts were previously prepared and certified pursuant to that Law.

For, in this very Parliament of the Tenth
1495. of *Henry* 7. held by Sir *Edward Poynings*, the 24th Act is of the following Tenor. "*Item*, "Forasmuch

* Patent Roll, 10——14 *Hen.* 7.

ANNOTATIONS.

(w w) The Amanuensis offers no proof from Records, that any of the three recited acts were transmitted. And, we find the first and second in the printed Statutes, *Item, at the Prayer of the Commons*, &c.

(x x) Here again, we are to take *presumptive*, for *positive*, *proof!* And thus we find our author States the Usage of *Parliament from Records!*

" Forasmuch as the Land of *Ireland* hath long
" been out of Order, and now of late noo manner
" Order, ne Justice was had there, but robbyng,
" bernyng, murdryng, ravisshing of Maydens,
" Wyfes, and Wedows, forcible Entrees, and
" many other great and manifold Offences and
" Inconveniences, universally through all the said
" Land; by reason whereof the same Land, for
" the moost partie, is finallie destroied and wastyd;
" the King, our Sovereign Lorde, having Pyte
" and Compacyon on his pore Subgetts of the
" same, and to have it reducyed to his hole
" Obeisauns, *have, by the Advice of his moost noble*
" *Counseill, ordeigned divers and manie noble Actys,*
" *that shall pass in his next Parliament to be holden*
" *in the seid Lond.*" &c. * (xx)

The before mentioned " Act of Sub-
" sidy (passed in 1499) being expired, and 1508.
" not to be levied without a new Authority," a Parliament was called, in virtue of the King's Commission and Command, under the Great Seal of *England*, and met at *Dublin* on *Friday* after the Feast of St. *Michael* 1508 (24 *H.* 7.) only to renew the said Subsidy of 13 *s.* 4 *d.* upon the Ploughland, for Ten Years, " in consideration, that without " the said Subsidy, the King's Subjects of this His " Land may not convenientia be defended." And the Act concludes with giving the King an absolute Power over this Subsidy by " providing, that if " this Act or Grant of Subsidy be thought by our

* Parliament Roll, 10 *Hen.* 7. not printed.

ANNOTATIONS.

(xx) This proves no more than the Wisdom and parental care of the king, who gives notice to this parlement, what laws he judges necessary for the common weal, to be passed in the succeding parlement.—Who does not wish that all his successors had equal attention and care of the subjects *of Ireland?*

" Sovereign Lord the King and His Council, hurt-
" ful or prejudicial to his Subjects of this Land,
" that then our said Sovereign Lord shall, at his
" Will and Pleasure, reform, diminish, extinct,
" adnulle, or revoke the foresaid Grant of Subsidy,
" in Part or in hole, the foresaid Grant or Ordi-
" nance for Ten Years notwithstanding." * *(yy)*

In direct Conformity to *Poynings*'s Law,
1515. 20 Years after the making thereof, King *Henry* 8. by Commission, dated at *Westminster* 7 *Oct*, 1515, (7 *H.* 8.) authorized His Deputy, *Gerald* Earl of *Kildare*, " by Advice and Assent of his
" Council, to hold a Parliament within one Year
" from the Date of the said Commission, and to
" dissolve the same within one Year from the Day
" of its Commencement; and with his said Parlia-
" ment." (I chuse to give the Words of the Commission) " de et super certis subsequentibus *Arti-*
" *culis*, et in hiis presentibus nostris Literis speci-
" fice insertis, *et non aliis*, tractandi, communi-
" candi, et interloquendi; et super eisdem *Arti-*
" *culis*, tum sic communicatis, tractatis, et concor-
" datis, concludendi, Assensumque et Auctorita-
" tem, nomine nostro, præbendi, &c. Tenor vero
" prædictorum *Articulorum* sequitur, et est talis."

Accordingly, the Lord Deputy held the Parliament at *Dublin* on *Monday* 25 *February* following.

The

* Parliament Roll, 24 *H.* 7. Being the only Act, besides the three usual Savings of the Liberties of the Church, &c. This act is not printed.

ANNOTATIONS.

(yy) Here is no more than new proof of the wisdom and care of this king. He calls a parlement to provide for the defence of the kingdom, which could not, *convenientia*, be done, without renewing the former subsidy. The benevolence, indeed, of the king appears superior to that of his predecessors and successors: For, by a proviso, in the act, he is impowered, if the tax be found burdensome, to moderate or relinquish it. O! that this example were followed!—How does this serve the purposes of Administration?

The Transmiss contains nine Bills, (of which the third only is printed, I. 59.) the first is a Subsidy Bill of 13 *s.* 4 *d.* the Ploughland for ten Years, after the Expiration of the foregoing Act, and begins thus, " Ferst, pray the Comynes," &c. and " be " it therefore enacted and established by Authori- " ty of this present Parliament, that," &c.——— After the Acts, the Commission is thus continued, " Et ideo vobis mandamus, quod circa Premissa " diligenter intendatis, et Ea juxta formam vobis " commissam et superius insertam, *et non aliter*, " faciatis et exequamini." * (*zz*)

* Evidences of his Grace, the Duke of *Leinster*'s Family, p. 122. a curious Manuscript.

ANNOTATIONS.

(*zz*) The Amanuensis judges, that this and the preceding paragraph give matter of great Exultation to his employers, and all those who wish to inslave this and the other appendages of the British Empire. This is the onely instance, where the king has presumed, to attempt, with a *non aliis*, to restrain the deliberations or the procedings of parlement, tho' he undoubtedly might and ought to have circumscribed his Lieutenant's power, by a *non aliter* This gentleman must surely be too sensible to imagine, that any arbitrary dictates of the Crown can limit or control the power of any court of law, and left of all that of the high court of parlement. This despotic tyrant was the first, and thank God! the last, that attempted it. It appears not from any Statute or Record yet cited, that his mandate was observed, and if it did, the single, illicit precedent cannot be supposed to have altered the Constitution, giving the utmost scope to Poynings' law, since expounded by that of Philip and Mary. By which expository Statute, as well as other circumstances, it appears, that the Construction of that Statute had not been determined in that regne: But the Legislature ascertains it's true original meaning, when they recite, *Sithence the making of the said Act, diverse and sundrie ambiguities and doubts have been made and risen upon the true understanding and meaning of the same, for the avoiding of which, and for a full and plain declaration of the* TRUE MEANING *of the same*, and then procede to the now established Constitution. Statutes, Vol. I. p. 246.

No Transmisses remain of the Acts, printed in the Statutes of the 13th, 25th, 33d, and 34th Years of *Henry* 8, but those of the 23d and 28th Years are yet preserved. *(A)*

1531. The Commission for holding the Parliament in the 23d Year, is dated at *Westminster* 16 *May* 1731, and gives the Deputy a Power with the said Parliament "de et super certis subsequentibus *Articulis* et Provisionibus, in "hiis presentibus Literis nostris specifice insertis, "*et aliis per nos mittendis quando et quotiens durante* "*termino dicti Parliamenti* nobis videbitur [magis "expedire] tractandi, communicandi, et enterloquendi." — This Transmiss contains seven Bills, the First of which is a Subsidy of 13 *s.* 4 *d.* the Ploughland for ten Years from the First Day of this present Parliament; and begins, "prayen "the Commons." * *(B)*

The effects of *Poynings*'s Law, by restraining the Transmission of Bills after the Commencement of Parliaments, seems to have been sensibly felt at this

* Transmiss.

ANNOTATIONS.

(*A*) The Amanuensis would have us believe, there were transmisses for the Acts of the 13th, 25th, 33d, and 34th years of the regne of Henry eighth. But is it not as probable, that they were omitted, as Poynings' law was often disregarded, suspended or repeled in this regne?

(*B*) Here it appears, the *non aliis* and *non aliter*, p. 43, 44, gave offence; therefore these restrictive words were omitted in this commission and power reserved to treat of, &c. *Such other articles as should be transmitted by the king during the continuance of the sayed parlement:* The practice since established by the Statute of Philip and Mary. It is further observable, that the subsidy, granted to Henry, was *prayen the Commons*,

this Time; for, the foregoing Words, *et aliis per nos mittendis*, &c. intimate a Power or Licence of transmitting Bills during the Continuance of the Parliament, notwithstanding that Law. This Licence we find expresly provided for, in the Parliament of the 28th Year, not by a *repeal of Poynings's Act*, as it is stiled in the printed Statutes, (I. 89.) but by a temporary Suspension thereof relative to *that* Parliament only, or, as the Title runs in the Transmiss; "The Acts of *this* Parliament to be "good and effectual, notwithstanding *Poynings's* "Act, or any other Act to the contrary." *(C)*

The Commission for holding this Parliament of the 28th of *Henry* 8. is dated at *Old-Foorde* 13 *September* 1535 (27 *Hen.* 8.) and the Transmiss contains twelve Bills, one of which is an Act of Subsidy: And the Reason for dispensing with *Poynings's* Statute (as aforesaid) is affixed immediately preceding the Commission subsequent to the Bills transmitted, and without the least Proviso *, in the printed Statutes.——--That Proviso being added (as it seems) after the Transmission of the Act from *England*, and being dubiously expressed, is explained by an Act of the same Year (Statutes, I. 157) not "declaring the Effect of "*Poynings's* Act;" as it it entitled in the printed 1535.

* Transmiss.

ANNOTATIONS.

(C) Here, the necessity of a suspension or repele of Poynings' law first seemed to be found necessary. And this, probably layed the foundation for the expository Statute of Philip and Mary, as it did for a temporary repele of the former, regardless of the later act, in the regne of Elizabeth. See the *Hypothetical Writers* on the *Constitution of Ireland*, &c. explained, and *the Rights and Privileges of parlement asserted*, &c.

" with ſuch diligence, as ye maye procede to the " holding and commencement of our ſaide Parlia- " ment at the Daye appoynted." * *(F)*

1542. And, with reſpect to the Parliament held 34 *Hen.* 8. an Act " for the Con- " firmation of Leaſes, made by the King's Com- " miſſioners, under the Great Seal, having paſſed " without being certified to *England*, and thereby " paſſed out of Order and Courſe, our Pleaſure is " (ſaies the King, in his Letters from *Greenwich* " 8 *October* that Year) to have that revoked, be- " cauſe we would not that in any wiſe the ſame " ſhould remain for a Precedent hereafter." † *(G)*

And though no Subſidy Bill of that (34th) Year is printed, yet it is evident, that ſuch a Bill paſſed; for the King, in his Letters from *Weſtminſter*, dated 5 *March* 1542, writes, " We ſend unto " you herewith the Acts, for our Subſidy, and " for our aſſurance in the Honour and Caſtle of " *Dungarvan* ‡." Which Act is printed in the Statutes, (I, 237.) *(H)*.

No

* Patent Roll, 32, 33 *Hen.* 8.
† Same Roll.
‡ Patent Roll, 34 *Hen.* 8.

ANNOTATIONS.

(*F*) This is the ſame with the former, p. 48, *E*, with this remarkable difference, that no Tranſmiſs appears. And tho' the deſpot's directions may ſtand upon Record; there is no proof, that they were obſerved, from the five Statutes printed of this date.

(*G*) This onely ſhews, that particuliar attention was, ſometimes, payed to Poynings' law.

(*H*) The zele of the Amanuenſis for the cauſe, in which he is employed, appears extravagant indeed, in this poſitive Aſſertion, that *it is evident an act of Subſidy paſſed, becauſe the King writes that he tranſmitted one*; although no ſuch act appears in print

No Parliament was held in the Reign of *Edward* 6; but in the ſucceeding Reign, 1556. the State of Affairs in *Ireland* being declared to King *Philip* and Queen *Mary* by the Lord Deputy *Fitz-Walter* (after Earl of *Suſſex*) their Majeſties, 4 *February* 1556 ſent Letters from *Greenwich* to the Parliament, then about to meet, returning thanks for their Services hitherto performed to the Deputy; acquainting them with the tranſmiſſion of the Bills to be paſſed, and recommending a proper behaviour to them in Parliament *(I)*. The tenor of that part of the Letter is as follows. " Having " underſtood and conſidered the good Orders and " Succeſſe, that our Deputie hath taken and had " in our Service, for the tyme of his chardge " there, both in expulſinge of the *Scottes*, plaginge " of our Rebelles, and reducing that diſorderede " Realme to better State of goode Rule and " Tranquilitie, than it was lately in; in whiche " parte our ſaid Dupitie hath, from tyme to tyme, " by his Letters and other weyes, given us full " notice, that youre diligent, Aide, Counſaill, " and goode Service never failed in his aſſiſtance; " we lett you wete, that we not onelie accepte " the ſame right thankfullie towardes our ſaide " Deputie, but alſo give youe, and everie of " youe, as youe have well deſervede, our righte " hartie thankes.

" And like as, excepte the ſaide good Orders, " nowe well begonne, be with contynuance " ſemblablie

ANNOTATIONS.

print or upon Record! Is it not as likely, that the Commons of that regne, as well as the Commons in that of William or George the third, rejected ſuch a bill, and for the ſame reaſons?

(I) A remarkable act of Grace and Condeſcenſion, worthy of Imitation. *But what then?* ——— See p. 55.

" ſemblablie kepte and followed, the Fruite of
" his and your owne Travailes in this Parte can
" in the ende not fullie aunſwer to our Expecta-
" tion and yours. And that the particularities of
" the manifolde Diſorders and Defaults there be
" not unknowne unto your Wiſdomes, for the
" perfite Reformation whereof the juſt Feare,
" Love, and Honour of Almightie God are firſt
" and principallie to be conſiderede, and revived
" by ſome newe Orders and Lawes; for eſtabliſh-
" inge of whiche, and of others, neceſſarie as
" well for the Advauncement, Mayntenaunce,
" and Defence of the Comen Weale, as the ne-
" ceſſarie Recoverie and Reſtitution of our auncient
" Rightes, Revenewes, Regalities, Prerogatives,
" and Obeyzaunce, of late Yeares muche dimi-
" niſhed and neglectede, the Tyme, Place, and
" Authoritie of Parliament is nowe verie propice
" and convenient; even ſo, foraſmuche as our
" ſaide Deputie hathe, *by our Commaundement, with*
" *the Advice of our Counſaille there*, traveled verie
" diligentlie, painfullie, and prudentlie to *deviſe*
" *diverſe goode and neceſſarie Lawes, by hymſelfe and*
" *our ſaide Counſaill there, mete to be paſſed at this*
" *ſaide Parliament*; for whiche purpoſe he ſent
" them hether, to be reviſede and conſiderede by
" us and our Counſaill here, whiche is done, and
" the ſame remitted thether, as appertaynede.
" Therefore, havinge yourſelfs gravelie, pru-
" dentlie, deliberatelie, and frelie conſiderede the
" ſame Acts and Lawes, and the Matters therein
" conteyned, in ſorte as the ſame maie paſſe by
" Authoritie of Parliament, to God's Honor and
" our's, for the advauncement of the Comen
" Weale; We heartelie pray, and nevertheles
" require, and chardge youe, and everie of youe,
" not onelie for the Execution thereof, but for the
" Execution alſo of all other goode Lawes and

" Statutes

" Statutes, yet ſtandinge in Force, to the utter-
" moſt of your Poures, Conynge, and Wittes to
" give ſuche further Aſſiſtance and Helpe to our
" ſaide Deputie, and other our Miniſtres, as ap-
" pertaynethe, ſpeciallie in your owne Countries,
" Rules, and Offices; and namelie, ſuche Lawes
" as are, and ſhall nowe be provided for Ad-
" vauncement of common Juſtice, *&c**.

The Commiſſion for ſummoning this Parliament, and the Warrant for " paſſing 1557.
" ſuch Acts, as ſhould be therein agreed and con-
" cluded upon," bear date at *Greenwich* 2 *April* 1557 (3 & 4 *P. & M.*) the Tranſmiſs contains 25 Bills, of which the 5th is the Act, " Declaring
" how *Poynings*'s Act ſhall be expounded and
" taken;" and the 7th is " an Act of Subſidy †," which is printed in the Statutes, I. 3. Z z z 3. *(J)*

It may be noted here, that this Parliament, having added Proviſoes to ſome of the tranſmitted Bills, took the ſame liberty with the Bill, expounding *Poynings*'s Law, by adding a Proviſo, to prevent that

* Patent Roll, 3 & 4 *Phil. and Mar.*
† Tranſmiſ.

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(J) In a tedious recital of a letter, which takes up three pages, we are told, the King and Queen thank the Parlement, inform them of the Laws recommended to be paſſed, and require the Members to attend to the obſervance of ſuch Laws, as are or ſhall be provided, &c. It is obſervable, that this ingenious Amanuenſis makes ſuch a capital error in chronology, as ſtrikes deeply at the credit of him or the Records, he cites: He agrees with hiſtory and the Statutes, that the onely Parlement of Philip and Mary was held in the third and fourth years of their regne. Yet makes he the Commiſſion, for calling this parlement, bear date, the 2 April, 1557; the year *after* the ſitting of this parlement, and the laſt year of that regne! And of the twenty five bills, he ſays, were certified, fiveteen onely paſſed into Laws, according to the Statutes, Vol. I. p. 240, to p. 274.

that Act from extending " to the defeating or " hindrance of any the Provisoes, made in this " Session of this present Parliament."—— It may be also observed, that in the transmitted Bills were frequently left Blanks, relative to particular Times, Places, Numbers, &c. to be supplied by Parliament. *(K)*

The Second Transmiss of this Reign is dated at *Westminster* 2d *October* 1557. (4 & 5 *P.* & *M.*) and contains five Bills, " which their Majesties " had now lately received from their Deputy, as " profitable and necessary Bills, to be considered " and treated upon in the said Parliament, which " they also thought to be very needful for the " Common Weale of their said Realm; and did " therefore return them annexed therewith, under " the Great Seal of *England*; signifying their Plea- " sure and Commandment to be, that he should " likewise cause them, to be considered and treat- " ed upon in the said Parliament, and to such " and so many of them, as should be agreed and " concluded upon in the same, to give and de- " clare their Royal Assent, by virtue of their for- " mer Commission, in such Manner and Forme, " as

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(K) The candor shewn in this paragraph may make attonement for passed mistaken Zele, Inadvertencies and Errors. Since it shews, that in this regne, otherwise tyrannical, the parlement was justly permitted to deviate from the transmisses, and what is more remarkable and an example worthy of imitation, that *Blanks were frequently left in the* Transmisses, for *times, places, numbers*, &c. *to be supplied by Parlement.*—No wonder then, that Bills of supply, thus framed, worded and presented in the name of the Commons, who alone were authorised to fill the blanks, should meet with an easy passage thro' both houses of parlement, in days of ignorance, *supineness or corruption.*

"as if they had been annexed with the said Commission of their Royal Assent." * (L)

Queen *Elizabeth* by Commission, dated at *Westminster* 18 *Oct.* 1559 (1 *Eliz.*) authorized the Lord Deputy *Sussex*, to summon and hold a Parliament, and transmitted twelve Bills, annexed to that Commission, and the Parliament sat 12th *January* following. The Subsidy, granted in the preceding Year for ten Years, was now subsisting, and rendred the framing of an Act of that kind unnecessary; but in lieu thereof, that the Custom of granting a Revenue to the Crown, upon the summoning a Parliament, might be preserved, the first Bill transmitted is "the Act for the Restitution of the late Priory or Hospital of *St. John's* "*Jerusalem* in *Ireland*, and of all the Manors, "Lordeships, Commaundries, and Hereditaments "of the same, to the Ymperiall Crowne of this "Realme." * (M) 1559.

The Commission, directed to the Lord Deputy *Sidney*, authorizing him to summon a Parliament, in the usual Form, is dated at *Westminster* 12 *July* 1568 (10 *Eliz.*) and the Parliament met 17th *January* following (11). The 1568.

* Transmiss.

ANNOTATIONS.

(L) There is no mention of the acts of this parlement, nor does any vestige of such a parlement appear in the Statues. If they sat, it is probable, they did *not agree* or *conclude* upon any of the five bills transmitted. Therefore this quotation is of little weight.

(M) It is confessed, no act of subsidy was now demanded or granted. Of the twelve Bills sayed to be transmitted, the Annotator cannot pretend to ascertain which, or whether any, were passed. Seven acts onely are found among the printed Statutes of this parlement, of which, that sayed to be the *first transmitted*, stands the *seventh* and last.

Transmiss

Transmiss contains 20 Bills, whereof one is an Act of Subsidy * being the next that was granted after that to Queen *Mary*, as appears by the Recital of this Act: And the first Bill in this Transmiss relates also to the Augmentation of the Revenue, (*viz.*) "an Act, authorizing Statutes, Ordinances, "and Provisions to be made in *this present* Parliament, concerning the Government of the Common Weale, and *the Augmentation of her Majesties "Revenue*, notwithstanding *Poynings*'s Act." † (N)

A Difficulty hath been entertained concerning the immediate Occasion of making this Law. The expounding Statute of *Philip* and *Mary* seems to have been entirely forgotten within the Compass of twelve Years. For, after reciting *Poynings*'s Law, it follows, "by occasion whereof, no Establishments or Provisions can be concluded by the body of your Majesty's Parliament, being assembled, but such only as have been before their "Assembly certified unto your Highness, and affirmed by the same."—The Intent appears to be a change

* Printed, I. 313. See also Sir *J. Davies*'s Discovery, &c. Page 173.

† This Act is printed (I. 320.) out of it's proper place, as if passed in a second Session.

ANNOTATIONS.

(*N*) The Statutes of this regne are so disorderly and confusedly printed, that times and dates are hardly to be ascertained. The act of Supply is that of Mary continued. The first bill in the transmiss is not solely for *the Augmentation of the Revenue*, this is but a secondary consideration. The primary is *the Government of the Common Weal*. But what is most remarkable here, is, that the Statute alluded to is made to empower the Crown, in England, to give the royal Assent to Statutes, Ordinances and Provisions made in this present parlement, in Ireland, regardless of, or notwithstanding Poynings's law. See p. 59, 60, 61, 62, 63.

a change of the usual Method of passing such Bills, and *such only* as related to the particular Subjects enumerated in this Act, by their receiving the Royal Assent in *England* after their Transmission from *England*, their Alteration in *Ireland*, and re-certification to *England*, and to give *such* Bills or Acts so altered and re-certified, when consented to by the Queen in *England*, and re-transmitted, the force of Law by Proclamation: For, it enacts, " that all and every the Acts, Statutes, Ordinan-" ces, Provisions, thing and things to be had, " done, made, ordained, and established by the " Authority of *this present* Parliament, that *shall* " *concern the common Weal of this Realm, or the Aug-* " *mentation of your Majesty's Revenue*, &c. which " shall be certified unto your Majesty, under your " Great Seal of this your Realm of *Ireland*, and by " your Highness allowed and consented unto, and " after returned unto *Ireland*, under the Great Seal " of *England*, and after openly proclaimed, shall, " immediately after the said Proclamations, and " not before, be good, effectual, and of full force " and validity to all Purposes, Intents, and Con-" structions." (O)

1569. This Reason, assigned for making that Law, is founded upon the Contents of the second Transmiss, which bears Date at *Gorambury* 29 *July* 1569, and contains 12 Bills, 5 whereof had been transmitted by the first Transmiss, and in virtue of the said Act, " authroizing Statutes," &c. had been altered by the Parliament here, and returned to *England*. The Queen in her Commission to this second Transmiss, recites the said Act, and " that her Majesty had now lately, since the mak

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(O) See Annotat. (oo)

" ing, eſtabliſhing, and enacting of the ſaid Act,
" in a late Seſſion of her ſaid Parliament, received
" from her Deputy, under the Great Seal of her
" Realm of *Ireland*, certain neceſſary and profitable
" Acts, Ordinances and Proviſions," [mentioning
the aforeſaid five Acts, and adding] " all which
" ſeveral Acts were ſent hither from you unto us
" before the beginning of our ſaid Parliament, un-
" der our Great Seal of our ſaid Realm of *Ireland*,
" and were after returned to you again, under our
" Great Seal of *England*, as Bills, we did then well
" allow of: Nevertheleſs, in the peruſing and
" conſideration of them ſince we laſt received them
" from you, we perceyve and find that our ſaide
" Courte of Parliament hathe, upon the treating
" and debating the ſaid Bills, thoughte mete and
" conveniente, by their Wiſdomes, to make ſome
" Alteration or Change of ſome parte of them, and
" likewiſe to certeyne other of the ſaid Bills ſome
" good and neceſſary Addition; which their Do-
" ings we do not miſlike, but take in very good
" parte, as by the declaration of our further plea-
" ſure touching the ſaid Acts, hereafter in theſe
" Preſentes dothe appeare.

" We doe therefore by theſe Preſentes, under
" oure Greate Seale of *England*, according to the
" tenor of the ſaid former Acte, made and eſta-
" bliſhed in our ſaide Parliamente, holden in our
" ſaid Realm of *Ireland*, intituled, ' An Acte au-
" thoriſing Statutes, Ordinaunces, and Proviſions
" to be made concerninge the Governmente of the
" Common Weale, and the Augmentation of our
" Revenewes, notwithſtandinge *Poyninge*'s Acte,"
" give our royal and princelye Allowance and
" Conſente unto all and ſingular the ſaid ſeverall
" Statutes, and to everye of them, before named,
" in ſuche manner and forme, and according to the
tenour,

" tenour, purporte, and effecte of them, as they
" passed in our saide late Parliament, and in suche
" manner and forme, as you have certifyed them
" unto us, under our said Greate Seale of *Ireland*,
" and like as we doe retorne them nowe agayne
" unto you, annexed and syled unto these Pre-
" sentes, under our said Greate Seale of *England*.
" Wylling and commaunding you also, by vertue
" hereof, to gyve Order, that the said several
" Actes, Ordinances, and Provisions, and everye
" of them, whiche we doe retorne unto you with
" these Presentes, be proclaymed, pronounced,
" and published in our said severall cytyes and
" Townes of *Dublyn*, *Waterforde*, *Corke*, *Lym-*
" *ricke*, *Drougheda*, and *Galwaye*, and everye of
" them, to the ende that the said Acts and Orde-
" naunces, and everye of them, may, immediate-
" ly after the said Proclamation made and pro-
" nounced, be goode, effectuall, and of full force
" and valydytye to all intents, constructions, and
" purposes, according to the tenour and effecte of
" the said Statute." *(O)*

And that this dispensing with *Poyning*'s Law related only to *such Subject-matters*, as are particularly mentioned in the said Act " authorising Sta-
" tutes, *&c.*" is further evinced by the continuation of the Transmiss, which proceeds, " And
" whereas also, *before the beginnyng of our said Par-*
" *liamente*, we did send unto youe certayne Bylles
" and Matters, under our Great Seale of *England*,
" to be considered and treated upon in our Parlia-
" mente, *then nexte to be holden* within our said
" Realme of *Ireland*, with Commission and Autho-
" ritye of our roiall Assente to be given unto suche

(O) See Annotation. (oo)

" of them, as sholde be concluded and agreed upon
" within the same; sithe whiche tyme we have
" receaved from you one other profytable and ne-
" cessarye Byll, *to be* alsoe considered and treated
" upon in one of the nexte sessions of our saide Par-
" liament, to be holden within our sayde Realme
" of *Irelande*, intituled, *An Acte, givinge Order*
" *for bringyng in of Wines*, &c. * Whiche Byll
" we thinke to be verye neadefull and convenyente
" for the Common Weale of our said Realme of
" *Ireland*, and doe therefore retorne the same unto
" you annexed herewith, under our Great Seale of
" *England*: Signefyinge alsoe unto youe by these
" Presentes, that our Pleasure and Commaunde-
" ment is, that the said Bill, being affyled toge-
" ther with these Presentes, *ye shall likewise cause to*
" *be* considered and treated upon in one of the nexte
" Sessions of our saide Parliamente; *and if the*
" *said Byll shall be agreed and concluded upon in our*
" *said Courte of Parliamente, by the Lordes spirituall*
" *and temporall and our Commons theare assembled,*
" *then to give and declare our roiall Assente unto the*
" *saide Byll*, by virtue of our said former Commis-
" sion of our roiall Assente, and by Warraunte
" hereof, in such manner and forme, as ye sholde
" or oughte to have done, if the same Byll had
" byn affyled and annexed with the saide Commis-
" sion of our roiall Assente; and these Presentes
" shall be alsoe your sufficient Warraunte in that
" behalf." †(p)

The

* Transmiss.

ANNOTATIONS.

(P) This requires no long comment: The Governor is
Red, commanded and authorised to act, as is most meet;
ement is left, as by right and law it must be, Free.

The third Transmiss is dated at *Hampton-Court* 3 *May*, 1570, and contains nine Bills, five of which are printed: And no Transmissions remain of the Act for the Attainder of *Thomas Comerforde* (I. 374.) or of those (printed) of the 13th year, which is a continuation of the same Parliament. *(Q)* This Transmiss sets forth, "That "the Queen had received certain Bills and Mat- "ters, tending to the Profite and Commoditie of "her Crown and Realm of *Ireland*, which she had "perused and considered upon, by the Advice of "her Council; and, finding some of them formed "and made according to her mind; others, which "she had in part altered and changed, and the rest, "which she thought for this present not needful, "she had for this time omitted. And therefore, "such of the said Bills, as she thought expedient "and necessary to be treated and considered upon "in the next Session of her Parliament, to be "holden in *Ireland*, she had caused to be written "and engrossed, and affiled the same to this her "Commission, with Authority to give the royal "Assent to them all, or as many of them, as should "be *agreed upon* in the said Parliament." * *(R)* 1570.

* Transmiss.

ANNOTATIONS.

(*Q*) Several transmisses are *supposed* to be wanting, when no evidence is given to prove, that such ever existed. And the name here written, *Comerforde*, stands in the Statutes, Vol. I. p. 374, 375, *Queverforde* and Quemerforde. Want of accuracy in the Amanuensis!

(*R*) In this, the Crown did no more than is usual in England: The royal assent is given to such acts as are approved; such as are not, are not denied, but postponed for further consideration, *in the constitutional form*, *Le Roi S'avisera*.

The

The next Parliament held in *Ireland*, was *that* of the 27th and 28th Years of *Elizabeth*; the Commiſſion for ſummoning of which is dated at *Weſtminſter*, 13 *January* 1585 (27) and the Tranſmiſs contains nine Bills; whereof the firſt is "an Act for Impoſt and Subſidy upon Wines;" † and another is "A Subſidy of 13s. 4d. upon "a Ploughland, from the firſt of *May* next enſuing, "to the end of the term of ten years, payable "yearly at *Michaelmas*." The Preamble of which Bill ſhews it to be the only one granted ſince *that* of the 11th year, which was now expired: "And "we your Majeſty's loving, faithful, and obedient "Subjects, being at this preſent time juſtly mov-"ed by ſundry great Cauſes to renew the ſaid grant "unto your Majeſty, your Heirs and Succeſſors, "and in conſideration to be from henceforth deli-"vered from the grievous Exaction of Coyne and "Livery, do moſt lovingly and freely offer unto "your Majeſty, not only the renewing of the ſaid "Subſidy, now expired, but alſo do humbly re-"quire, that the Grant of the ſame Subſidy may "be enacted, and be it enacted by your Majeſty, "with the Aſſent of the Lords ſpiritual and "temporal and Commons, *&c.*" * (*S*) 1585.

The Commiſſion of King *James* I. for ſummoning the only Parliament of his Reign, bears date at *Weſtminſter*, 6 *March* 1612 (anno 10,) and is *incorrectly* printed before the Journal 1613.

* Tranſmiſs.
* Printed, as the 4th Chap. of the 28th Year (I. 410.)

ANNOTATIONS.

(*S*) This ſtands upon the ſame footing with the continuation *Mary's* Subſidy, p. 61, 62.

nal of that Parliament. The Transmiss, annexed to the Commission, contains twenty Bills; among which are, the Subsidy Act; * and an Act for Confirmation of the Subsidy granted by the Clergy. (*T*) —These two Subsidy Bills *seem* to have been prepared, certified, and transmitted previous to the holding of the Parliament, by their being inserted in the first Transmiss, annexed to the Commission for summoning the Parliament; and yet, by the second Transmiss, dated at *Westminster*, 7 *November* 1614, they appear to have been certified after the Parliament sat, and are the only Bills thereby transmitted; (*U*) for the King thus expresses himself. "Whereas we have lately sent unto youe "certaine Billes and Matters, under our Greate "Seale of *England*, to be considered and treated "upon in our Parliament, lately begonne and "holden within our said Realme of *Ireland*, with "Commission and Authority given unto you to "give

* Statutes, I. 460.

ANNOTATIONS.

(*T*) Of these twenty Bills, sayed to be transmitted, ten onely are printed; of which, the first here recited is but the fiveth on the parlement roll, and in the Statutes, the tenth and last.

(*U*) The Amanuensis is pleased, here also, to give a *Surmise*, instead of the promised proof from the *Records*, that these two bills were *prepared, certified* and *transmitted, previous to the holding of the parlement*; though, *by the second Transmiss*, he is forced to confess, *they appear to have been certified after the parlement sat, and are the onely bills thereby transmitted.*—But this *surmise*, or *seeming* is by no means authorised by the transmiss quoted, hence, to p. 72: The King says, he sent them *certain bills; since which time, he has received, from them, the* two bills *mentioned, which he approves*, &c. Can any thing be more evident, than the fallacy of this *surmise?*

" give unto the ſame Billes, or any of them, *tl*
" *ſhall be there concluded and agreed upon*, our roy
" Aſſent: Since which time we have received fr
" you, under our Great Seale of *Ireland*, two oth
" Billes, to be alſo conſidered and treated upon
" our ſaid Parliament, the one *for Confirmation*
" *the Subſidie graunted by the Clergie*; and the oth
" *for the Graunt of one entire Subſidie by the Te*
" *poraltie*. We doe by theſe Preſents declare o
" royal Approbation of the ſaid Bills, and retor
" the ſame Bills unto you hereunto annexed und
" our Great Seale of *England*." †

The Truth *ſeems* to be, that when theſe t Bills, after the firſt Tranſmiſſion, came to be co ſidered and treated of in Parliament, ſeveral Alt ations were found to be neceſſary, and that t Bills, ſo altered, were re-certified and re-tran mitted: In ſupport of this *Conjecture*, it is to obſerved, that there are two Tranſmiſſes of t printed Subſidy Act, which vary in many partic lars, (*V*).

The

† Tranſmiſs.

ANNOTATIONS.

(*V*) Here comes another *ſeems*, as abſurd and fallacious, a the preceding Is it not as reaſonable and natural to thinl that, if ſuch bills were tranſmitted, previous to the ſitting o the Parlement, they were rejected by the Commons, as thoſ of *William* and *George* the third were, and for the like reaſons and that afterwards two regular bills, originated where the ſhould be, were tranſmitted, returned and paſſed? Thoug no *notice* was taken, no *cenſure*, or *animadverſion* paſſed, n *proteſt* entered againſt the procedings of *James*'s Parlement nor were they puniſhed with an untimely prorogation.

But of what uſe, to the cauſe of his employer, is the *con jecture* of his Amanuenſis; ſince he muſt confeſs, either way that the ſubſidy bills, that were paſſed, were tranſmitted *ſitting* the Parlement?

There is a third Transmission of Bills, dated at *Westminster* 23 *March* 1614, containing sixteen Articles, whereof four are printed. 1614.
" Since which time (*viz.* since the commencement " of the Parliament) we have received from you " (saies the King) " under our Great Seal of *Ire-* " *land*, divers other necessary Bills, to be also con- " sidered and treated upon in our said Parliament, " concerning divers things, very needful and pro- " fitable for the Common Weale of that our said " Realm of *Ireland*; and we find also some other " Bills, which were formerly transmitted from " you, and allowed by us and our Council, and " nevertheless remained here on this side, not trans- " mitted over to you again. We do therefore by " these Presents declare our Royal Approbation of " such of the said Bills, and in such manner and " forme, and with such Amendments of some of " them, as we return the same unto you hereunto " annexed, under our Great Seal of *England*. Sig- " nifying," &c. * (*W*)

From this time to the tenth Year of *Charles* I. no Parliament was held in *Ireland*. That King, by Commission, dated at *Westminster* 13 *May* 1634, directed a Parliament to be 1634.

* Transmiss.

ANNOTATIONS.

(*W*) Here appears another instance of the little regard, payed by Parlement, to certified bills, one fourth onely of which, appears in the Statutes. At the same time, that it is again confessed and proved, that the king had *received divers other necessary bills, transmitted from them* sitting Parlement; which he *approves*, &c. Do the opponents to the measures of the present administration contend for more, or for any other concessions than these?

summoned, and "that the Subsidy Bill, *certified* "*the Lord Deputy and Council*, transmitted and an-"nexed to the Commission, should be ready for "the Royal Assent, and pass in three Weeks next "after the beginning of the said Parliament; and "also that the Parliament should be finished and "fully dissolved within nine Months after the Day "of its Commencement." — By the second Transmiss, dated 13 *July* 1634, the said time limited for passing the Subsidy Act, was enlarged by the addition of "fourteen Days, lest the said three Weeks "might happen to be too short a time for the ef-"fecting thereof." † (*X*)

1639. The Commission for holding the Parliament of 1639, and the several transmissions of Bills being in print, ‡ any further observation is thereby rendred unnecessary; only, that the Commission contains Directions, that the Bills, intituled, "an Act for the Grant of six entire Sub-"sidies by the Temporality; or, an Act, for the "Grant

† Transmisses.
‡ Commons Journal, I. 205.—216.

ANNOTATIONS.

(*X*) In what words the certified bill is drawn, the Amanuensis does not *seem* willing to inform us. The printed statute recites, in the strongest terms, the gift of the Commons, in these words; *Most gracious Soveregne, We your Majesty's most humble and loyal subjects of your highnesses's realm of Ireland, the* Commons *in your high Court of Parlement now assembled humbly present your Majesty with four intire Subsidies*, &c. If these words were not put together by the Commons, they were contrived for their deception. No wonder if they took the hook, thus baited, in this or any other regne. However, the inserting them thus, though in a transmiss, clearly acknowledges and proves, where the sole, exclusive right of originating bills of Subsidy or Supply, did and must always remane.

"Grant of four entire Subsidies by the Tempo-
"ralty" (doubtless, which of them the Commons should think fit to pass) "might be prepared for "the Royal Assent within thirty days after the "beginning of the said Parliament." And that the Act for the Grant of four entire Subsidies, * is the first annexed to the Commission for holding the Parliament. † (Y)

The Commission for holding the only Parliament of King *Charles* the II, bears date, at *Westminster* 13 *March* 1690, and is printed. ‖—Several Transmisses of this and the preceding Reign have been lately discovered, and sent to the Rolls office; but the first Transmiss of this Reign, so recovered, being dated 9 *Aug.* 1661, during the first Prorogation, it cannot now be ascertained by Record, what Bills were transmitted, and annexed to the Commission for holding the Parliament: but, the only Bill, annexed to this Transmiss of the ninth of *August*, is an Act, "for the speedy raising of "Money for his Majesty's Service." (Z) 1660.

The

* Statutes, II. 206, Chap. 13.
† Transmiss.
‖ Commons Journal, I. 587.

ANNOTATIONS.

(Y) This stands precisely upon the same footing with the preceding; except that the Commons were left at their discretion, to grant six or four Subsidies. They chose the later, which are granted in the same words with those of the former Parlement. But, it is observable, that after the first transmiss, previous to the calling of this Parliament; there were three other transmisses from the sitting Parlement to the King, and returned.

(Z) Though great confusion and uncertainty appear in the state of the records, in almost every regne, the greatest appears in this, where one transmiss onely can be produced. This

The next Parliament was *That* of 1692, with which this Inquiry concludes, in obedience to the commands of Government; directing, that a State of the *Usage* of holding Parliaments in *Ireland*, &c. ſhould be prepared, from the earlieſt Period of time upon Record, to the Year One thouſand ſix hundred ninety two. +

ANNOTATIONS.

This parlement was confeſſedly called, without certifying a bill of Supply. And the bill, ſuppoſed to be annexed to the onely tranſmiſs produced, is not to be found, if ever it exiſted. This Parlement conſiſted of four ſeſſions, in each of which, ſeveral bills were tranſmitted by the Parlement, whereof, one was a grant of eight Subſidies, which muſt be confeſſed, to have taken riſe in the Commons, and is expreſſed in the like terms with ſuch grant to the late and former kings.

+ As for the Parlement of 1692, let it for the preſent remane in the obſcurity, the Amanuenſis chooſes. It is however to be lamented, his Orders went no further; that he might have ſhew the Adminiſtrations of the Lords Sidney and Townſhend in their true Colors.

THE END.

3

THE HUMBLE

REMONSTRANCE

OF THE

CITIZENS of *DUBLIN*,

TO THE

LORD-MAYOR and ALDERMEN of the ſaid CITY.

My Lord, Gentlemen!

WE are greatly mortified, in reſpect to our own Intereſt, as we think you ought to be, reſpecting your own Honour, that you have laid us under the Neceſſity of this very early Expoſtulation.

It is now upward of three Years ſince, after a Length of inteſtine Struggles, the Corporation of this City ſat down in Peace.

An Act of Parliament had juſt paſs'd, for the Restoration of popular Rights. You, Gentlemen, the City Potentates, ſeem'd contented to depart from ſuch Portions of your Power, as the Legiſlature were pleas'd to think exorbitant and abuſive; and we, the Citizens, rejoiced, in the Proſpect of that Liberty, which we expected to reſult from the Reſtraint that had been put on the Hands of the Mighty.

Among other Grievances redreſs'd, and Exigences provided for, the Repreſentatives of the Kingdom, in Parliament aſſembled, deem'd it reaſonable that We, the Citizens, ſhould appoint our Repreſentatives in the City-Corporation; and they alſo deemed it reaſonable that our Repreſentatives, in the Corporation, ſhould have a Voice in the Nomination or Election of ſuch Magiſtrates, as were to tax our Purſes, and rule over our Perſons, agreeable to the free Syſtem of our

Mother Country, and agreeable to the right Reason a *British* Constitution.

Hitherto, indeed, as it appeared to Parliamen We, the Citizens, in effect, had no Voice in t Appointment of our own Representatives; neith had those, whom the Aldermen appointed to represe us, any Sort of Voice or Influence in the Election Magistrates. Aldermen had begotten Aldermen fro Time immemorial; they had also begotten Lor Mayors, Sheriffs, Treasurers, and City-Officers, wit out Interruption or Controul. They had, by a hig Hand, or by secret Corruption, defeated, or elude every Right, and Species of Liberty that remained the Citizens. Whom they would they put dow and whom they would they exalted. They possesse enjoyed, and disposed of the City Lands, and Rev nues, Tolls, Customs, and Emoluments, without A count. They taxed us to any Degree, or any Pu pose that they judged proper. The Aldermen, every Instance of Power and Profit, were, of ther selves; the City which the affected to represent. the mean Time the City remained as neglected ar disorder'd, as if no Rule or Administration of Justi had been held therein. Nightly Maims, Murder Robberies, Burglaries, Plunders, Riots, Uproars, we frequent throughout. No Lights in our Streets, r Watch, save a few old and impotent Wretches, such as often abetted and joined the Plunderers. B the Ambition and Avarice of our five and twen Rulers was gratified; all, therefore, was well; and th slept quiet and regardless, in the Midst of Tum and Rapine.

Such, Gentlemen, were the great, the unlimi Powers, which you, or (if you please) your Pre-cessors had usurped, and possessed through a Suc-sion of several Centuries. Many, who are still am you, had long tasted and highly relished the Sw thereof. It is, therefore, no way wonderful that

ſhould be very loth and reluctant, in departing from Poſſeſſions which had coſt you ſuch Contrivances, to acquire and retain, as might appear too reproachful to mention, at this Day.

But, Gentlemen, we think it lawful and incumbent to apprize you, that you muſt depart from ſuch ill-exerciſed and exorbitant Powers, as our National Legiſlature have judged it neceſſary to reſtrain; and it will, ſurely, be moſt for your Honour, to conceal your Regret, if poſſible, and to ſurrender thoſe *quondam* Poſſeſſions, with ſome Sort of a Grace.

Our Parliament, it is true, in comparing public Intereſt with private Ambition, in balancing the Advantage of a hundred and thirty thouſand Citizens againſt the Indulgence of five and twenty Aldermen, have judged it equitable that your Scale ſhould kick the Beam.

You, Gentlemen, who may think that the many were made for the few, and the Thouſands for the One, as Fry for the Levyathan, may deem this Deciſion of our Parliament to be partial and unjuſt; but the Thing is done, there is now no Remedy, and, however pitiable your Caſe may be, you had as good acquieſce.

As you appear, on a recent Occaſion, to have utterly forgot that our Parliament ever intended to lay you under any Reſtraint. As you do not ſeem to recollect, that you are not now thoſe *Oligarchs*, who lately reigned and revelled with unlimited Power; it is but friendly to remind you of that Province, and of that Duty to which you are, now, confined.

For this Purpoſe, we ſhall recite and intimate, to you, ſuch Clauſes of the Act of Parliament as, you, lately, had Occaſion and Opportunity to controvert, and through whoſe Letter, Intention, and Equity, you broke, as broadly and imperiouſly, as if no ſuch Act had ever paſs'd or ſtood in your Way.

The two firſt Inſtances, wherein you thought it your Intereſt to oppoſe the Authority of Parliament,

and to defeat or evade the Purposes of this most grievous Act, were the Election of Sheriffs, and the Election of Lord-Mayor. We shall, therefore, take the Liberty to refresh your Memory with the Recital of what the Statute, expresly and clearly, enjoins on those Heads, *to wit.*

On the ELECTION of SHERIFFS.

"*AND be it enacted by the Authority aforesaid* "*That the Commons of the Common-council of the* "*said City shall at the usual Time of electing Sheriffs for* "*the said City nominate eight Freemen of the said City* "*resident within the said City or the Liberties thereto ad-* "*joining each of them worth in real or personal Estate in* "*Possession the Sum of two thousand Pounds over and* "*above all his just Debts as fit Persons to serve in the* "*Office of Sheriffs of the said City and shall return the* "*Names and Additions of such Persons so nominated by* "*them to the Lord-Mayor and Aldermen of the said City* "*and the said Lord-Mayor and Aldermen or the usual* "Quorum *of them shall elect two Persons out of the said* "*eight Persons so returned to them who shall serve in the* "*said Office and be the Sheriffs of the said City for the* "*ensuing Year to be computed from the usual Time of en-* "*tering upon the said Office*, &c."

On the ELECTION of LORD-MAYOR.

"*AND be it enacted by the Authority aforesaid that* "*the Name of every Person who shall hereafter* "*be elected by the Lord Mayor and Aldermen of the* "*said City or the usual* Quorum *of them to serve in the* "*Office or Place of Lord Mayor of the said City shall be* "*returned by them to the Commons of the Common Coun-* "*cil of the said City for their Approbation without which* "*Approbation such Persons shall not be capable of serving* "*in the Office or Place of Lord Mayor and if it shall*

"happen

" *happen that the said Commons shall reject or disapprove of the Person so returned to them the Lord Mayor and Aldermen of the said City or the usual* Quorum *of them shall from Time to Time elect another Person to serve in the Office or Place of Lord Mayor of the said City and shall from Time to Time return the Name of the Person so by them elected to the Commons of the Common Council of the said City for their Approbation and so from Time to Time until the said Commons shall approve of the Person returned by the Lord Mayor and Aldermen of the said City or the usual* Quorum *of them. Provided always that such Election into the said Office of Lord Mayor shall be of some Person from among the Aldermen and that the said Commons shall approve of some one Person so elected and returned to them for their Approbation.*

" *And be it enacted by the Authority aforesaid that if either the Lord Mayor and Aldermen or the Commons of the said City shall omit or refuse to assemble at or within the usual Times for the electing the Lord Mayor Aldermen and Sheriffs respectively or being assembled shall omit or refuse to do what is hereby required to be done by them respectively for the Election and Appointment of the said Officers then and as often as the Case shall happen it shall and may be lawful for the Commons in case such Default shall be in the Lord Mayor or Aldermen or for the Aldermen in case such Default shall be in the Commons or for the usual* Quorum *of Them respectively without any Summons for that Purpose to assemble themselves at the Tholsel of the said City on the next following Day not being Sunday or in case the same shall happen to be Sunday then on the Monday next following and then and there to elect the said Officers respectively as the Case shall require and every such Election so made shall and is hereby declared to be valid and effectual to all Intents and Purposes.*"

Perhaps there never was an Act of Parliament, so explicit, so evident, so peremptory, and so decisive,

in

in Intention and Expreſſion. Though we have c vered it to you, without *Hebrew* Points or *Ra* Stops; yet, the Man who runs may read, and who reads, muſt underſtand. In Matters, ſo ſim ſo apparent, and indubitable, neither Ignorance miſinterpret nor Sophiſtry evade; nothing, but ob nate and willful Averſion could attempt to prevarica

The two firſt Clauſes conſiſt of Duties that clearly and poſitively enjoined; and the third Cla conſiſts of a Proviſion in Caſe of Failure or a Neg of ſaid Duties.

The Injunctions, reſpecting the Election of Sheri are, 1*ſt*. *That the Commons ſhall return, to the Lord M or, and Aldermen, the Names of eight Freemen duely q lified for the Office of Sheriff. And* 2*dly. that the Lo Mayor and Aldermen ſhall elect two of the ſaid Free to the ſaid Office.*

The Injunctions, reſpecting the Election of Lord M or, are wholly confined to the Lord Mayor and Aldern and, accordingly, appoint them to return, to the Comm the Name of the Perſon whom they ſhall elect to the ſaid fice, and in caſe of the Diſapprobation of the Comm to return the Name of another Perſon, and again of a ther Perſon, and ſo on, from Time to Time, and fi Time to Time, until the Commons ſhall approve of Perſon returned, without which Approbation ſuch Per ſhall not be capable of ſerving in the Office or Place Lord-Mayor. Provided that ſuch Election ſhall be c fined to the Board of Aldermen, and that the Comm ſhall approve of ſome one Alderman for ſaid Office.

Here, Gentlemen, you may aſk, ſhall there be End of ſuch Returns upon Returns to the Common How often ſhall we elect and they diſapprove; ui four Times?

The Statute anſwers You, Gentlemen, and I anſwer You. We ſay not until four Times, but ui twenty Times and four; for ſo ſays the Statute. *has no* Limitation, ſave the Number of your Boar

It must be confess'd, however mortifying the Confession may be, that the Legislature, in their Appointment of the said Elections, do not appear to have placed any mighty Trust or Confidence in your Board, Gentlemen. Their Trust is wholly transferred to and reposed upon the Commons; and the only Compliment they have paid you is, that they would not so far derogate, from your worshipful Body, as to leave the Election, of a Lord-Mayor, quite at large, as it is in *London.*

Our Legislature duely considered that the Offices and Duties, of Lord-Mayor and Sheriffs, were Matters of exceeding Weight and Importance, to the Fortunes, Lives, and Healths, of about two hundred thousand Souls; in the Administration of Justice, the Preservation of Peace, in removing Nuisances from our high Ways, and unwholesome Food from our Markets, *&c. &c.* throughout this great City and the Liberties thereof.

In the Nomination of Sheriffs, therefore, they entrusted the Representatives, of the Citizens of the said City, to return the Names of eight such worthy and sufficient Men, as that it should not be in the Power, of the Lord-Mayor and Aldermen, to chuse any two, from among them, unequal to the Office.

And, in the Approbation of the Lord-Mayor, by the said Representatives, the Legislature have committed, to them, the Trust of fixing on the one Man, from among four and twenty, of the greatest Action and Vigilance, Integrity and Capacity, for discharging the important Office of the first Magistrate of so great a City.

Shall our Representatives, then, betray this weighty and sacred Trust? Shall they approve of any Alderman, of the said worshipful Board, while there is another more worthy of Office and Approbation? Would they not be justly chargeable, in such a Case, with all the Omissions and Commissions, the Mischiefs

or

[illegible] Defects of Benefit, that [illegible] arise from the [illegible] of [illegible] Yes, surely. [illegible], according [illegible], as it is your Charge [illegible] that the [illegible] Sufficient [illegible] of your [illegible] Board [illegible] to the Public the [illegible] be shewn out of this [illegible] *Book*.

We [illegible] the Case and Merits of the late Contest [illegible] respectable Board, and our Reprobation [illegible] assembled; and it will be [illegible] from the following Detail, of real [illegible] and Facts, pleaded and proved before the Lords Justices and his Majesty's Privy-council, whether Y[illegible] Commons were the Transgressors, on that Occasion.

In the mean Time we premise to you, that we want not, we wish not to share your *Lightings*, Gentlemen. We would rather enlarge and multiply every Power in your Hands, provided you would not apply them to Acts of Injustice. We ask Nothing, on our humble Part, but an Exemption from Injury, Depredation, and Oppression. We wish you all possible Powers for the doing of Good, provided you did not pervert them to the doing of Evil. It is only on this Article, of evil Administration, that we would have your Wings clipped and your Talons pared; for, in the Restraint of the powerful Few, from doing Injury to the weak and subjected Many, consists the whole Nature and Benefit of CIVIL LIBERTY.

Here endeth the First Chapter

CONTINUATION

OF THE HUMBLE

REMONSTRANCE

OF THE

CITIZENS of *DUBLIN*,

TO THE

LORD-MAYOR and ALDERMEN of the said CITY.

My Lord, Gentlemen!

IT is found, at Times, that People may impose upon themselves, as well as others, through Passion and Prejudice.

Alderman *Barrd*, in his Petition to the Lords Justices and Privy Council, affirms, that, on the fifteenth of last *April*, the Lord-Mayor and Aldermen unanimously elected him into the Office of Lord-Mayor for the ensuing Year. That they returned his Name to the Commons of the Common-Council, for their Approbation, before Ten of the Clock in the Forenoon. That the Commons did not notify their Disapprobation of him, till near Five of the Clock in the Afternoon. And that, after the further Election, by the Lord-Mayor and Aldermen, and Disapprobation, by the Commons, of Alderman *Forbes*, Alderman *Gale*, and Alderman *Taylor*, Time for further Election did not remain, and so his Lordship dissolv'd the Assembly.

How far Resentment and offended Dignity may influence a Gentleman to a Persuasion, widely distant from the Reality of Facts, will appear in the following Case on the Part of the Commons, pleaded

Room of Assembly, Two Hours and upward, during which, the respectable Board thought it good to detain them, without further deigning to honour them with any Sort of Notice. At length the Lord-Mayor, attended by the Recorder and Aldermen, enter'd, and peremptorily dissolv'd the Assembly; without any Prorogation or Appointment of further Meeting, without naming any further Person to the Office of Lord-Mayor; without electing one Sheriff out of the Eight Nominations so returned by the Commons; without conforming to one of the said capital Articles enjoin'd to them by Parliament; without assigning any Excuse for their Infringement and Breach of the said positive Laws; without condescending to any Sort of Expostulation; without excepting to any Part of the Conduct of the Commons, or assigning any Ground or Motive for their apparent Displeasure.

This, indeed, was a Behaviour, according to old Custom, wholly arbitrary and contemptuous. In this, Gentlemen, you no way derogated from the usurping and imperious Fathers by whom you were begotten; even those Aldermen who, from Year to Year, and from Age to Age, in the Law of their own Will insulted over this City. But you must not hope, Gentlemen, in the like Manner, to insult over this Nation in Parliament assembled. It should appear, in your Apology, as though you conceived that the several Clauses, of the said Act, had been framed by a Body of Us, the poor and subjected Citizens, over whose Privileges and Claims You had a prescriptive Right to trample. But it is Time for You to awake, it is Time to look about You, and to perceive the approaching Cloud that you have call'd over your own Heads, by setting the Orders of his gracious Majesty, as also of the Lords and Representatives of this Nation, at nought; for, with due Deference to your Dignity, and Pardon ask'd for this

Intimation,

Intimation, We humbly conceive that They are your Superiors; and we wish You to be persuaded that so it will be found.

If We, Gentlemen, in this Our State of Your Misbehaviour on the said 15th of *April*, have represented a Tittle different from Truth and Fact; If Our Representatives, on this Occasion, have imposed upon us, in any Article or any Degree; We request You to undeceive us, to undeceive the Public; to vindicate your own Conduct, to vindicate your own Honour; to shew to the World that You are not such Men, as We conceive you to be, repugnant to good Government, refractory to Law, reluctant to Rule, rebellious to supreme Authority, ambitiously tenacious of Powers long usurped, and insatiably covetous of ill-gotten Possessions.

We have really a Curiosity, we are impatient to hear what You can say for yourselves, in answer to this honest and open Charge.

Had We, Gentlemen, or had Those, whom We chose to represent us in Common-council, been the Aggressors, on this Occasion; had We dared, as You have done, to fly in the Face of Government, to spurn at the Appointments of the supreme Legislature, and, like so many *Alexanders*, to cut the sacred Knot, of Law, Order, and Civil Society, in twain; had We adventured within a Bow-shot of such Transgressions, what an Uproar here had been against the Fever of Enthusiasm, against the Fury of Faction! what Addresses to Majesty, to Government, and to Parliament, to suppress and quell the Turbulence of an unruly People deserving of Poverty and Bondage, in the Place of Property and Freedom.

Permit us to enquire, Gentlemen, what Provocation our Commons could give You, or what else You can plead in Excuse, for invading and usurping the Rights of Us, Your Fellow-citizens, so explained

plained and affirmed to us by the Laws of our Country?

The Duties enjoined to our Commons, on the said contested Day, were few and simple; they were ordered, by Act of Parliament, to send in, to You, the Names of eight Persons fit to serve in the Office of Sheriffs of this City. They, accordingly, sent in, to You, the Nominations required, and fairly poll'd for, by Ballot, among themselves; and had You, Gentlemen, taken Exception, whether just or unjust, to any or all of the said Persons; they had eight more, good Men and true, to give you in Exchange; but no Exception was pretended, on the Part of the Aldermen; no Defect therefore of Duty, or even of Decorum, can be alledged or pretended, on the Part of the Commons.

The only remaining Duty enjoined to the Commons, for that Day, was to return, to the Board of Aldermen, their Approbation or Disapprobation, by Ballot, of such Persons as the Board should elect and nominate, to them, for the Office of Lord-Mayor. Did they not do so, Gentlemen, as far as You allowed them so to do? Can you alledge or pretend any Neglect or Delay of Duty, on their Part?

If Interest and Ambition, if Passion and Prejudice ever listened to Reason, we will demonstrate to You, Gentlemen, that had our Commons been desirous of doing You a Pleasure, on the late Occasion, yet, they were not at liberty to Act otherwise than they did. The express Letter of the Statute, limits and pins them down to their Duty in the following Words.

"*Provided always and be it further enacted by the* "*Authority aforesaid that every Election by the said se-* "*veral Guilds for the Constituting of Representatives in* "*the Common Council of the said City and every Election* "*made or Approbation given by the Commons of the said* "*Common*

Common Council by Virtue of this Act shall be by Ballot and not otherwise.

What, now, were our Commons to do, on this Occasion? If they approved of any Person, elected, without Ballot; they rebelled againg the Order of the supreme Legislature: And if, in Consequence of such Order, they should dare to approve the Man, who was disapproved by Ballot, they would then prove Traitors to Truth, to Honour, to Equity, and to the Laws of their Country; and All, merely in Complaisance and Compliance to —— ALDERMEN.

Our Commons, then, were blameless, They did Nothing that was Wrong. They omitted nothing that was right. They filled the Day with Acts of Diligence, Humanity, and Duty. And our Laws, to their best Power, had their Concurrence and Execution.

Let us, now, step over to the other Side of the Way; and take a Peep at your Part of this Business, Gentlemen!

The positive Duties, enjoined to You by Parliament, are, that out of the eight Nominations, sent to You by the Commons, You shall elect Two to serve as Sheriffs in this City. That the Name of every Person, whom You elect to the Office of Lord-Mayor, shall be returned by You to the Commons for their Approbation. That, if the Commons shall reject the Person so returned, You shall, from Time to Time elect and return the Name of another Person, and so on from Time to Time, until the Commons shall approve of the Person so returned. And that without such Approbation, no Person shall be capable of serving in the Office of Lord Mayor.

Were you, then, obedient to these Laws, were You observant of these Ordinances?—No, no, good Worshipful Gentlemen; You have done All that You

ought

ought not to have done, and All that You ought to have done You have left undone.

How happened this, Gentlemen? was it thro' your Mistake of the Sense, or your Ignorance of the Language in which this Statute was penned? Or, did you think that the Parliament was in an ironical Humour, and intended directly the Reverse of what they express'd?

Great Power of Truth and Justice! To what Purpose are Laws, Statutes, and Ordinances? to what end shall the King, the Lords, and Representatives, of a whole Nation unite in any Act for public Order and Tranquility, if a few contumacious Citizens shall dare, unchastised, to contemn their Authority, and to defeat it, by an opposite, arbitary, and usurped Jurisdiction?

Here endeth the second Chapter.

ONTINUATION

OF THE HUMBLE

EMONSTRANCE

OF THE

ITIZENS of *DUBLIN*,

TO THE

RD-MAYOR and ALDERMEN of the ſaid CITY.

y Lord, Gentlemen!

[our foregoing Remonſtrance, we humbly ven-
ured to expoſtulate with you, on your late Inva-
of our Rights, and your avowed Diſobedience
Laws of this Land.

hen, on the Fifteenth of laſt *April*, You acted
er to every Article that the Statute required of
and eluded every Claim that the Parliament
iven us in the Nomination of our Magiſtrates;
ight have hoped that, on cooler Reflection,
would have been ſenſible of your Sins, and de-
of repairing the Wrongs You did Us. Vain
, fruitleſs Expectation! The Sun went down
ur Tranſgreſſions againſt Us and the Conſtitu-
and it roſe to ſee thoſe Tranſgreſſions renewed,
doubled.

the Sixteenth of the ſaid Month, You reaſ-
l the Abſolute Chair of your *quondam* Autho-
You ſung *Te Deum* for your Victory over Us,
he Laws; and proudly erected your Trophy on

the Spot of our Defeat. It seemed, to Yourselves, that You derived new Merits from the Faults You had committed, and new Rights from the Wrongs of which You had been guilty. You, arbitrarily, elected the very Man to the Office of Chief Magistrate, whom the Commons had first rejected; You rejected every Man whom the Commons had nominated to the Office of Sheriff, and You independently appointed two new Men, in their Place; and all this You did in direct Violation of the Rights of your Fellow-Citizens; and in direct Violation of every Clause of the Statute, in those Cases especially provided.

Did You then hope to have Advantage from your own Transgressions, to thrive by your Breach of the Laws, and to derive Benefit from the very Deeds for which you merited Condemnation? You did hope it, Gentlemen. You requested the higher Powers to give a Sanction to your Iniquities. You applied to Government to confirm You in the Possession and Investiture of those recent Spoils with which You wonderfully dared to appear before them.

But, tell us, you Worshipful *Appellants*, Who advised You to this Step? Or, was it, of your own better Wisdoms, that You thought good to apply to the Lords Justices and Privy Council, on this Occasion? To those very Lords Justices, and that very Privy Council who, by an Address, previous to the present Statute, had prayed that the Appointment of Sheriffs, of Aldermen, and Lord-Mayor, should be taken out of your Hands. *Vide Heads of a Bill, &c.*

The Government had been, at length, convinced of your Usurpation and Misuse of many exorbitant Powers; and surely, your Sins, must have been very

very crying at that Day; They therefore prayed that You ſhould be diveſted of ſuch Powers as You had ſo notoriouſly abuſed. You were accordingly diveſted. You again preſume to cloth yourſelves in your old Robes of Deſpotiſm and Independence; and You audaciouſly petition to be confirmed in Them, by thoſe very Powers who had ordered You to be ſtripped.

Here, indeed, and how ſhould it be otherwiſe, your Expectation was diſappointed, your Preſumption repuls'd, your Mayor was unmayor'd, your Sheriffs unſheriff'd; and You are order'd to reſtore, to Us and our Repreſentatives, all the Pillage with which You had laden Yourſelves in the Face of the Public.

Gentlemen!—were it conſiſtent with refined Manners, We are greatly intereſted in enquiring what You meditate, in Conſequence of theſe ſeveral Defeats. What Reſource have You in Proſpect? What Reinforcements in Store? What further do You propoſe for reinſtating Yourſelves in thoſe Poſſeſſions, of which Equity and the Legiſlature have ſo cruelly deprived You?

We are not wholly unapprized of what You intend, Gentlemen!—But, ſuppoſe now, by Way of Experiment, that You ſhould convert the preſent Neceſſity into a preſent Virtue. Suppoſe that You ſhould acquieſce under your recent Calamities; and bear what, Juſtice, the Laws, and public Utility lay upon You, with ſome Shew of Patience.

In this View, let us, deliberately and impartially, conſider what Conſequences would enſue, from your Spirit of *Quietiſm!* Let us fairly ſtate the Queſtion,

 in

in the Way of Debtor and Creditor: What You would lose and what You might gain, on such an Hypothesis?

In the first Place, You would lose the absolute, and unaccountable, Disposal of the City Revenues and Income, amounting to something upward of 8000*l. per Annum*; which, however divided among You, would amount to little more than 300*l. per* Man. A very poor and inadequate Consideration, Gentlemen, for the great Fatigue of Feasting, and the greater Fatigue of Thinking, in order to superintend the Public, and to pillar the State.

In the next Place, You must lose the Advantage of getting rid of a Number, of rascally Followers and good-for-nothing Dependents, of whom You intended to discharge Yourselves, by lucrative Pensions at the Public Cost; and, by Places of Trust in, and Authority over the City.

In the third Place, You will lose the Honour of being solely considered, in Yourselves, as the City and Metropolis of this great Kingdom.

In the fourth Place, You will lose the Power, of exalting and debasing, appointing and repealing, City-Officers, Laws, Ordinances, and Perquisites, at Pleasure.

And fifthly, and lastly, and what is most to be lamented, You will lose even the Privilege of begetting a full grown Alderman, a Feat which You were so lately impowered to perform, though at a Time that Age and Impotence had rendered You incapable of begetting an Infant of Half a Span in Length!

Here

Here, Gentlemen, We have fairly ſtated all your Loſſes, and more than your Loſſes; for, though You were actually inveſted with all thoſe Powers and Poſſeſſions, yet, We do not think that You abuſed them to their Limit and worſt Extent.

Let us, now, balance the Account, and endeavour to conſole You, by the Advantages that You may derive on the other Side. And, O, Gentlemen, were we enabled, as we wiſh, to inſpire You, with a ſingle Ray, a Spark, of that Benevolence, that Love of Man, that Love of Country and Community which is the Sun of the whole moral and rational World; which built *Rome*, which preſerv'd *Sparta* without Encloſures; which gave the little Commonwealths, of little *Greece*, to enlighten a barbarous and benighted Univerſe; You would feel that You never knew what true Riches were, till this Hour, in which you bemoan Yourſelves, as ſtripped and impoveriſhed!

You would, then, look out of the narrow Circle of your own Corporation; You would ſee this beneficent Statute, that is now ſo grievous to You, diffuſing Freedom, Proſperity, Safety, Health, Plenty, and Peace to Thouſands and Tens of Thouſands. You would ſee ſuitable Men appointed to Employments, and not unſuitable Employments appointed to Men. You would ſee Juſtice adminiſter'd, Guilt ſuppreſs'd, Innocence protected, Induſtry promoted, and Peace preſerved, throughout, by a capable vigilant and active Magiſtracy. And, would You concur with the Intention of this bounteous Law, would You be what *Aldermen* were meant to be, that is to ſay *Eldermen*, the *ſage Guardians and Fathers of the People*, You would join with the Commons in a Diviſion of this City into regular and reſpective Wards. You would

would then, * according to your present Oath, inquire and search out, through your several and respective Wards, all Felons, Traitors, and Transgressors against the Law, his Majesty's Peace, and the Peace of his People; and no Species of Vice or Profligacy should dare to lift its Head, by Day or by Night, throughout this great and populous City.

Such are the Benefits, Gentlemen, for which we contend, and which we pray that You may no longer endeavour to defeat. We pray, indeed, but our Prayer wants the requisite Faith; we pray, but with very slender Hopes of prevailing. A Conversion, so sudden and miraculous, is not to be expected. We must, therefore, look to ourselves the best we may, for the present, and guard the Public from your Attempts, till we see You once begin to disband your Forces.

Though the Act of Parliament has, pretty sufficiently, fenced and guaranteed the new Citadel of our Liberties, against outward Assaults; We may, possibly, have more to fear from Sapping and Mining, than from the open and avow'd Hostility of Power.

You are Men of Interest, Gentlemen, especially among the Great. You have domestic and foreign Connections with People in Power, with Persons who regard not the Salvation of this City, with *Gallios who care for None of these Things.* You can get our Representatives closetted by their noble and wealthy Customers. You can get Letters, Applications, and Considerations conveyed to them by, You know Whom, and Whom. If they can be persuaded to concur in reinvesting You with the City-Revenues and Offices

* See the Oath of an Alderman.

Offices, you may think it worth your While to reward their Prostitution with a Portion of the Spoil. You may obtain, by Corruption, what you vainly attempted to atchieve by Opposition, and so prepare Us for outward Chains by our own inward Depravity.

Is not this your present Purpose, your present Employment, good Gentlemen? Do you not already know the Numbers that have engaged to desert to You, on the great Day of Contest, the important *Friday* of the present Week? Do you not know the respective Names of those *Wood-and-Wire-Retreants* whom You are to play off, at your Pleasure, while You skulk behind the Curtain?

But, Gentlemen, we warn You that we are aware of your present Proceedings. We have an Antidote, for such Poison, that You know not of. We have an *Ordeal* whereby our Commons shall be tested; and He, who comes not forth with his full Weight of golden Integrity, shall never more be elected to an Assembly of Common-Council, shall never more be subject to the Baseness of your Impression.

When we reflect on your Audacity in proposing to Government, that They should confirm such Persons in the Magistracy, as our Representatives had rejected according to Law, and as You had elected contrary to Law; we think it not quite impossible but You may once more exhibit those Names, to the Assembly, whom our Commons, as directed and enjoined by the Statute, have already disappoved. Perhaps You may again elect that very Gentleman, to the Chief Magistracy, who has already been twice rejected, by our Commons, and by the Government.

Such

Such an Obtrusion as this, such an obstinate Perseverance in ill-Doing, would sound, as it were, the Trumpet of a War declared, as well against your Fellow-Citizens as the Laws of your Country.

It is, therefore, to be hoped that You will take up your Lesson according to Law, just where You left it off wholly contrary to Law. But, as we do not know, Gentlemen, what Lengths You may travel, when You have already got so far in a very wrong Road; we must humbly take our Leave, and turn to our Commons; that we may recall Such as have strayed, through Ignorance or Weakness; and instruct, and confirm, Those who stand, in their Duty.

Here endeth the third Chapter.

TO THE RIGHT HONORABLE

THE LORD MAYOR,

THE WORSHIPFUL

THE BOARD OF ALDERMEN,

THE SHERIFS,

COMMONS, CITIZENS,

AND

FREEHOLDERS OF DUBLIN,

THE

ADDRESS

OF

C. LUCAS, M. D.

One of their REPRESENTATIVES in PARLEMENT.

Upon the propoſed Augmentation of the Military Eſtabliſhment.

DUBLIN:
PRINTED FOR THOMAS EWING.
M.DCC.LXVIII.

TO THE RIGHT HONORABLE

THE LORD MAYOR,

THE WORSHIPFUL

THE BOARD OF ALDERMEN,

THE SHERIFS,

COMMONS, CITIZENS

AND

FREEHOLDERS OF DUBLIN.

MY LORD MAYOR, and You my much honored and beloved FELLOW-CITIZENS and CONSTITUENTS!

THOUGH the many Testimonies of gracious Indulgence and Favor, with which You have been pleased to distinguish my Conduct, since You honored me with one of your Seats in Parlement, shew that you are too sensible and too faithful Subjects, to be inattentive to what passes in the National Council; yet, I think it incumbent upon me to give You a more particular Account of my Stewardship, and to call upon You for further Advice and Instruction, upon a most weighty and interesting Occasion.

In a former Application of this Kind, * I thought it necessary to recur to a very Ancient and Fundamental, but too much neglected, Principle of Parlementary Polity, the Duty of Members, to inform and consult their Constituents, upon any new Demand made, or any new Matter introduced, in Parlement, and not to proceede to a Determination, without the Sense and Instruction of their Constituents.

Agreeable to this invariable Rule of my Duty, I gave You the earliest Notice possible of what I apprehended a new and injurious Attack upon the Constitution, in a former Session. But, from the precipitation, with which that Matter was determined, I could not collect your Sense of the Matter, nor had You an opportunity of giving it the just Opposition, 'till it was too late.

I find myself under the like Necessity of applying to You again, at this critical Conjuncture, and hope for better Success; as some Accidents have conspired to give us longer Time to consider our Circumstances, and to guard against the threatened Evil.

When You read the Report of a Committee of the House of Commons, appointed to inquire into the Application of the Money granted for the Support, and into the State, of the Military Establishment of this Kingdom; though that Committee had not had Time to inquire into half the Grievances and Abuses of this Establishment; You will find, that they make the Present appear, the most expensive and burdensome, though the lest efficacious Establishment in Europe.

It will appear to You, that while the *English* Establishment is fourty-seven or four-eight Men, to a Company of Infantry, ours is but twenty-eight to a Company, with the same number of Officers as in *England*, that is, one Captain, one Lieutenant, one Ensign, two Serjeants

* Session of the Year, 1765.

Serjeants, two Corporals to twenty-eight private Men and a Drummer. While, besides other Deficiencies, four of these twenty-eight, will be found but nominal or non-effective Men, whose Pay is destined to other Purposes.

It will appear, that the disproportion of Officers is still greater in the Cavalry. To each troop of Horse, there are one Captain, one Lieutenant, one Cornet, one Quarter-master and two Corporals, to twenty private Men, and one Trumpeter; of which, besides other Deficiencies, four are also nominal, what are called Respit and Warrant Men, whose Pay is destined to other Purposes.

It will also appear, that this disproportion is still greater in the Dragoons: For, to each Troop of these, there are one Captain, one Lieutenant, one Cornet, one Quarter-master, one Serjeant, two Corporals, one Drummer, and one Hautboy, to twenty private Men; of which also, besides other Deficiencies, four are nominal onely, Warrant-men, whose Pay is destined to other Purposes; while the Hautboy is a Non-entity, whose Pay and Cloathing make some of the many Perquisites of the Colonels.

And thus our Military Establishment, calculated for twelve thousand effective Men, Officers included, though the Number in the Kingdom, in Times of the utmost Danger and Necessity, has been under half that Number, and has hardly ever been kept up to two thirds thereof, swells to the enormous Sum of nine hundred and seventy one thousand and seven Pounds, sixteen Shillings and eleven Pence halfpenny, that is, near a Million in the last two Years accounted for to Parlement. Let me give You a more particular View of the Expences of this Establishment, for two Years ending the 31st. of *March* last, under the following several Heads;

1. General

	l.	s.	d.
1. General Officers, almost entirely non-resident, so that at the Conclusion of the Peace, we had not enough to reduce the Forces, and scarcely have at any Time enough to review them, or to make a Board, unless by special Command.	57215	10	
2. Horse, Dragoons, and Foot, whose Colonels are mostly Absentees - - - -	690473	8	4
3. Warrant-men - -	36062		
4. Battle-Ax Guards - -	3783	16	8
5. Additional Pay for the Troops in *Dublin* - - -	7527	6	4
6. Garrisons, with their Incidents -	7458	10	
7. Military Pensions, which never decrease - - -	6521	3	3
8. Half-pay, hardly ever Diminished	75150	15	9½
9. Military Contingencies - -	6000		
10. Ordnance, with it's boundless Contingencies, &c. from *Jan.* 1. 1762 to *Mar.* 31. 1767 - -	43007	18	7
11. Barracks - - -	26673		
12. Widows of Officers, who rarely die - - -	11138	8	
£	971007	16	11½

But, if You come to inquire what has been payed in the Treasury, on Account of the Military Establishment, for two Years, ending the 31st. of *March*, 1767, You will find no less a Sum charged to the Nation than £ 1002170. 14. 6. with an Arrear, unsatisfied of £ 136959. 4. 11½.

In the Year 1700, the Eſtabliſhment of twelve thouſand Men was kept up in twenty-five Regiments, Cavalry and Infantry included. But the preſent Eſtabliſhment, for the like Number of Men, is compoſed of fourty two Regiments, which excedes the former, by no leſs than ſeventeen Regiments; a greater Number, by ſix Regiments, than was ever before kept up in this Kingdom, in Times of Peace. And this will be found one material Cauſe of the enormous Increaſe of the Expence of the preſent Military Eſtabliſhment.

For the better underſtanding this Matter, it may be proper to ſtate the Eſtabliſhment, as it ſhould be, if complete, and to compare it with what it really appears, from the Muſter Rolls, to have been on the firſt of *October* 1767.

The Nation has provided for four Regiments of Horſe, eight Regiments of Dragoons and thirty Regiments of Foot.

	Com. and non Com. Officers.	Private Men.
The four Regiments of Horſe ſhould conſiſt of -	184	480
The eight Regiments of Dragoons, conſiſt of -	483	1020
The thirty Regiments of Foot, conſiſt of -	2273	7560
In the whole	2940	9060

So

So that there are 2940 Officers, Commissioned and non-Commissioned, appointed to command only 9060 private Men, which would make in the whole, if at home and complete, 12000 Men.

But if we deduct from this Number, six Regiments abroad, of 453 Officers and 1512 Men, making in the whole 1965—together with the Deficiency, upon the Muster of the Troops at Home on the first of *October* last, which was 2147 Men. In all 4112 Men.

We shall find left at Home for the defence of the Kingdom, but - } 7888 Men.

It now appears, that the Expence, though not the number or efficacy of the military Establishment, has been increasing continually for several Years passed, till it has accumulated to the enormous Sum before stated.

You will find, that the next Charge of the Military Establishment, from the 31st Day of *March*, 1751, to the 31st of *March*, 1767, amounts to no less a Sum than £8214038 7 9

And, that the Sums payed on Account of Regiments abroad, within these Periods, amount to no less than £671610 6 11 ½

The Expences in both Instances, greatly increasing from one Session to another.

You will find, the Charge of the military Establishment, in the four Years immediately preceding the late War, reckoning from the 31st of *March*, 1751, to the same Day of *March*, 1755, amounted to the Sum of £1661542 10 10 ½

Which, upon a Medium, makes the Charge of each two Years amount to £830771 5 5 ¼

And

And, that the Charge for the same purposes, in the last two Years, computed from the 31st of *March*, 1765, to the 31st of *March*, 1767, amounts to the Sum of £ 1108287 15 2 $\frac{3}{4}$

So that the Charge for the last two Years, excedes the Charge for two Years preceding the late War, at a Medium, in the Sum of £ 277516 9 9 $\frac{1}{2}$

Although the number of Men to be supported in each Period was the same.

You will find, that the Charge of Warrant-Men, and their Cloathing from 31st *March*, 1751, to 31st *March*, 1767, amounts to no less a Sum than, £ 264958 4 6 $\frac{1}{2}$

And that, though the Charge under the Head of General Officers, for two Years, ending the 31st of *March*, 1753, which was then £ 34048 18

Has in the two last Years, reckoned from the 31st of *March*, 1765, to the 31st of *March*, 1767, increased to the Sum of £ 57215 10

That is, to an exceding of 23161 17

Yet notwithstanding, though there are two Lieutenant-Generals, and ten Major-Generals, upon this Establishment, it appears, from a Letter from the Earl of Northumberland to the Commissioners of the British Treasury, that those valiant Officers were of such a puny, delicate, sickly Frame, that they could not bear the Fatigues of the most peaceful Campaign in Ireland, nor even the Air of the Climate, and were therefore forced to quit the Country, for the Recovery of their Health, by better Air and other means than this poor Kingdom afforded, and so left it in such Numbers, that enough could not be found to hold Boards, which are Councils to the Government, in Military Matters, or do the other Parts of the duty of General Officers, upon the Staff here, until his Majesty was pleased

to

to direct, a young Nobleman and Soldier, a native of the Country, capable of bearing Toil, and inured to the inclemency of the deserted Soil and Climate, to act as a Major General.

You will find, that though the Expences of Barracks have been most immense and are yearly increasing, there are large Sums charged for Lodgings, for want of Barracks, as also for extraordinary Forage.

Necessary Attention to Brevity, obliges me to overlook several Abuses in Musters, Checques, and Off-Reckonings; of Excesses in the Stock-Purses, &c. and the Pay of fictitious or nominal Men, as Hautbois to the Dragoons, &c. being sunk in the Pockets of the Colonels; for which, I shall refer you to the Report. But, I cannot overlook a Return made by the Muster-Master General to the House, which, though intituled, *An Account of Effective Men*, the Deputy Muster-Master General confessed, it included contingent Men, and fictitious or imaginary Hautbois. By this, it appears, there was a Deficiency, in the number of private Men, to complete the Establishment, at the twelve last quarterly Musters therein mentioned, at a Medium of 1552 Men, including Contingent Men and Hautbois.

The full Pay of this Deficiency, if they were all Foot, would amount to no less a Sum annually than that of £18882 13 4

Which for the three Years, would amount to £56648 0 0

But as some of the defective Men must be of the Cavalry, the Sum must be still more considerable.

And yet notwithstanding, it will appear, that the Amount of the Savings, for which Credit has been given to the Nation, upon the Pay of non-effective, non-comissioned Officers, and private Men, for four Years,

Years, from the 31ſt of *March*, 1763, no more than the Sum of £ 4230 19

The leaſt Difference in Prejudice of the Nation, then is no leſs than } 52417 1

But this Prejudice to the Nation will appear ſtill ſtronger, when it is conſidered, that the complete Reduction of the Forces did not take place, till the latter end of the Year 1764; that Orders were iſſued by Government, not to recruit the Regiments, that were to be reduced, and that the Return of the Muſter-Maſter General ſhews, there were great Deficiencies in the ſeveral Regiments upon the Eſtabliſhment, by the ſeveral quarterly Returns of that Officer, compriſed in the former, down to the 1ſt of *January* 1765. The full Pay of theſe Vacancies, which muſt amount to a very conſiderable Sum, ought, undoubtedly, to have been charged to the Credit of the Nation, which does not appear.

It alſo appears, that notwithſtanding the enormous Sums payed for Barracks and Lodgings, there are ſtill Barracks for Cavalry wanting. That there are Barracks more than enough for the Foot. That the firſt Expence incurred for Lodgings, for want of Barracks, was in 1759, and the firſt Expence for extraordinary Forage, in 1762. And, what is very remarkable, theſe Expences rather increaſe, than diminiſh, with the apparent Deficiencies of Men to complete the Eſtabliſhment.

It is not difficult to conceive the Cauſes of theſe Deficiencies: They are principally theſe; the Cloathing of each Regiment, however defective it may be, is payed for by the Public, as if the Regiment was complete; the removing Checques upon Vacancies of every kind, has been conſidered as a matter of Courſe; and the Subſiſtence of vacant Men is applied to the Credit

dit of the Stock-Purſes, and Non-effective Funds, inſtead of being applied to the Credit of the Nation. For further particulars of theſe Funds, I refer You, for for Brevity, to the Accounts, annexed to the Reports.

The Committee being ſtinted in Time, and judging it neceſſary to report the Progreſs, they made, though unable to go fully through their Inquiry, came to the following Reſolution:

Reſolved, that it is the Opinion of this Committee, that an humble Addreſs be preſented to his Majeſty to lay before his Majeſty the Report of the Committee, appointed to take into Conſideration the Military Eſtabliſhment of this Kingdom, to acknowledge, with the warmeſt gratitude, his Majeſty's conſtant Attention to the Welfare of his People; to expreſs the utmoſt Confidence in his Majeſty's Wiſdom, that if upon ſuch Repreſentation, any Reformation in the ſaid Eſtabliſhment ſhall appear neceſſary to his Majeſty, ſuch Alteration will be made therein, as will better provide for the ſecurity of the Kingdom, and at the ſame Time, reduce the Expence of the ſaid Eſtabliſhment, in ſuch a manner, as may be more ſuitable to the Circumſtances of the Nation, and to give his Majeſty the ſtrongeſt Aſſurances, that this Houſe will upon all Occaſions, to the utmoſt of their Abilities, ſupport his Majeſty's Government, with Honor and Dignity.

The Houſe cheerfully agreed with their Committee. The addreſs was preſented to his Excellency and ſent to his Majeſty. Yet his Miniſters have thought fit, inſtead of the *deſired or neceſſary Reformation*, inſtead of ſuch an *Alteration of the Eſtabliſhment, as might better provide for the Security of the Kingdom, and at the ſame Time to reduce the Expence of the Eſtabliſhment, ſuitable to the Circumſtances of the Nation*; to require of us poor and miſerable as we are, to increaſe our preſent burdenſom

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Eſtabliſhment, to within a few hundreds of that of *Great-Britain*, with all it's Riches and boundleſs Trade.

Wherever, or whenever it is apprehended, that the Soveregne procedes upon Miſinformation from his Miniſters, it becomes the Duty of every loyal Subject, of every true friend to his King and Country, to give all lawful and juſt Oppoſition, by a proper Application, in ſome Inſtances, to the Courts of Juſtice, in others to the high Court of Parlement.

It becomes my Duty then, to explane to you, your preſent Circumſtances, with reſpect to the Points in Queſtion, and to demand your Judgement and Inſtructions for my future Conduct. I find myſelf the more neceſſitated to make this Application; becauſe I have had the Misfortune to have had no actual Collegue or Coadjutor, ſince I have been honored with your Seat in Parlement, and the Matter under Conſideration is too momentous for my ſole Judgement, without the Aſſiſtance and Inſtructions of my Conſtituents.

By what I have already ſaid, You may readily conceive the State and Circumſtances of our preſent burdenſom and ill managed military Eſtabliſhment. I ſhall in the next Place, endeavor to explane to You, the Nature of the Augmentation propoſed and the Conſequences to be apprehended from it For the better Elucidation of which, I ſhall give You an Abſtract of the Report of a Committee, appointed to inquire into the Riſe and Progreſs of the Military Riot, which twice, broke open the Gaol of Newgate, on the Sixth and Seventh of *Auguſt* 1765, and into the Means uſed for ſuppreſſing the ſame, and for puniſhing the Offenders, of which I had the Honor of being Chair-man.

From theſe, You will readily ſee, that my greateſt Objection to an Increaſe of our Military Force is not ſo much

much the expence and abuſe of the preſent Eſtabliſhment, or even the almoſt inſurmountable Difficulty of this poor Kingdom's being able, cramped and reſtrained as it is, in almoſt every Branch of its Trade, and near a Million in Debt, to ſupport ſuch an Eſtabliſhment; but the almoſt poſitive Certainty, that an Armed Force, more than ſufficient for the abſolute defence of the Kingdom, muſt ſooner or later, after the Example of other Nations, prove Fatal to Civil Liberty.

The Method, I find myſelf forced to take, to oppoſe Meaſures, in my apprehenſion, moſt Dangerous and deſtructive, may with Perſons of your delicate Senſe of Loyalty, require ſome Apology.

To You then, my LORD and GENTLEMEN, who know my Life and Conduct and every Purpoſe of my Heart, I need not repete the warm and ſincere Sentiments of Affection, Loyalty, Duty, and particular Obligations to our moſt Gracious Soveregne, which ever have and ever ſhall animate and diſtinguiſh my Conduct to his Majeſty, regardleſs of the repeted ill treatment of ſome of his Subſtitutes.

But though, from that Duty and Affection, which I owe his Majeſty, I am ever ready to pay all juſt Reſpect and Reverence to his Miniſters, and ever have concurred with them, in all Meaſures, that appeared to me, for the mutual Honor and Advantage of the Crown and the Subject; yet, I ſhall always think it my indiſpenſable Duty to my Soveregne, to my Country in general, and to You, MY MUCH HONORED AND BELOVED CONSTITUENTS in particular, to give all juſt and parlementary Oppoſition to ſuch Meaſures, as to me appear, in any ſort derogatory to the Honor of the King, or the Intereſt of the People, however ſanctified ſuch Meaſures may come under the awful,

ſacred

ſacred Name of Majeſty. Let me not be, as I have two often been, miſunderſtood.

No man is more ſenſible of the political or actual Virtues and Perfections that adorn his Majeſty, than I am. No man is more thoroughly perſuaded than I, that the King can do no Wrong, from the Concurrence of his Royal Diſpoſition, with the Spirit of the Laws. And therefore, no Man more ready to pay due Obedience and reverence to the Commands of his Majeſty, iſſuing from the pure Emotions of his Royal Heart, than I.

But, as at the Diſtance, at which we are, unfortunately for us! placed from the Royal Preſence, his Majeſty, with all his natural Goodneſs of Heart and gracious Diſpoſition towards his faithful People; can onely act by Repreſentation; and as his Miniſters may not always be perfectly well informed of the State and Circumſtances of this poor Kingdom, or poſſibly through Miſinformation, or perhaps through miſtaken Jealouſy, or evil Will to this unfortunate country, may miſrepreſent Matters to his Majeſty, and upon their miſtaken or evil Advice, may poſſibly obtain the Sanction of his Majeſty's Name to Meaſures as foregne to the Purpoſes of his patriot Heart, as to the Honor of his Crown and the Intereſt of his People, it becomes the Duty of every good Legiſlator, who is, at once, the Counſelor of the Crown and the Guardian of the Rights of the Subject, to examine and weigh, with the utmoſt Strictneſs and Nicety, every Propoſal of every Miniſter, who uſes the King's Name, as a word of Office.

The Parlement are the onely competent Judges of the State and Circumſtances of the Nation, and by them alone can his Majeſty be properly and faithfully informed of the Condition and Exigencies of the People, and truly adviſed of ſuch Meaſures, as may be neceſſary for the Security of their Freedom and Rights, from external, as well as internal Foes.

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The Crown, indeed, may see threatning Danger, long before they are apprehended by the People. And then, it becomes the Province, as well as the Duty, of Parlement, upon proper Information, to provide for the ascertained Exigency.

Yet, without the slightest Intimation of impending Danger, while we have every Reason to complain of the heavy burden of our present Military Establishment; while *Britain* is rather diminishing than augmenting the Military Force of the united Kingdoms; while less than Five Thousand have been deemed sufficient for our Defence, when we were at war with some of the most formidable Powers of Europe, and a Rebellion raged from *Scotland* to the Centre of *England*; while the Civil Power is found able to execute it's most rigorous decrees, without the Aid of the Military, unless where Military Men are concerned; while the most Violent and Lawless Outrages have been universally committed against the Civil Magistrate, and the Laws have been trampled under Foot, without any Reparation; while the most expensive and burdensom Establishment has been kept up since the Peace, without any visible Emergency, and while the Complaints of this Burden, with many of it's evil Consequences were by your Representatives layed before the Throne, what Redress, what Comfort is offered to You?

His Majesty's gracious Answer to the Address of the Commons, presented with the Report of their Committee, upon the Military Establishment, *assures us, that if any Alteration in the Military Establishment of this Kingdom, shall appear to his Majesty to be necessary, his Majesty will cause such to be made, as will better provide for the Security of* Ireland, *and at the same Time, with due regard to the circumstances of the Kingdom.*

Thus

Thus far are we assured of his Majesty's royal and benevolent intentions towards his most loyal people of *Ireland*. And in this, we have not the most distant intimation of a *necessity*, or of any intention of his Majesty to augment his forces; probably, because it could not be done, *with due regard to the circumstances of the kingdom*, already overwhelmed in debt, and deprived of it's natural and legal freedom in trade.

But while your faithful Guardians, the Commons, might have found some cause of consolation and comfort in these gracious assurances of our soveregne; they received a message, of a very different import, from his vicegerent.

His Excellency is pleased to tell them, by one of his secretaries, that he is commanded by his Majesty to inform them, "That the public service of his Majesty's kingdoms requiring that some part of the troops kept on the establishment of *Ireland*, should be employed towards the necessary defence of his Majesty's garrisons and plantations abroad; and that as it may be expedient, that a number of troops, not less than twelve thousand men, commissioned and non-commissioned officers included, should be kept within this kingdom, for the better defence of the same, exclusive of such regiments on this establishment, as are or may be employed in his Majesty's said garrisons and plantations; his Majesty thinks it necessary, that his army on this establishment, should be augmented to fiveteen thousand, two hundred and thirty-five men in the whole; of which number, it is his Majesty's intention that, as far as is consistent with such a defence as the safety of both kingdoms, in case of any sudden or extraordinary emergency, may require, a number of troops, not less than twelve thousand men, commissioned and non-commissioned officers included, shall be kept within this kingdom, for the better defence thereof, *&c.*"

When you view the plan or scheme of this augmenta-

tion, you will observe the number of forces intended to make the new establishment, is to be 15,235 men.

	l.	*s.*	*d.*
That the sum necessary to be raised for this augmentation, as calculated by the ministry, to be no less than	69655	15	4h
And that the additional annual expence, by the ministry also calculated, is not to fall short of, whatever it may excede,	35961	12	6

But, of the necessity of such augmentation, or of the advantages to result from it; nothing that I see conclusive or satisfactory, is offered to induce us to plunge into the enormous expence, and the apparent danger to our civil liberty.

We are, indeed, told in his Excellency's message, that, "The measure is calculated to maintain the honor and dignity of the crown, to promote the public service, and to add strength to the army."

With all due deference to his Excellency's judgement, be it sayed; I cannot see how any unnecessary augmentation of the number of the army, in times of profound, universal peace, can add aught to the honor or dignity of the crown, which are ever best maintained and supported by the affections of a free and loyal people. The hearts of subjects, interested in defending the king and constitution of their country, must make the most secure and permanent basis of the throne. Whereas military mercenaries have been known, in every age and nation of the world, the bane of both king and constitution.

With like deference, I cannot see how a greater number of forces, than have hitherto been found necessary in times of peace, can *promote* the *public service*, if I understand what public service means. My ideas of public service are to encourage and promote religion and morality, to inculcate a just reverence and observance of the laws, to establish just notions of allegiance and loyalty, to extend

and

and improve trade and agriculture, and to strengthen and secure the national constitution. How far the proposed augmentation of the military force tends to forward or impede these, judge from the conduct of armies disproportioned to the strength of the people, in other countries, as well as in *England* and *Ireland*.

I can, indeed, with his Excellency, well conceive, that the augmenting the number of the military must add strength to the army. But, I dread, that it will in proportion, as it has done in every other nation and age of the world, diminish the strength, weight and dignity of the civil power. And if we have found, that when our establishment has not exceded six or seven thousand men, the authority of the civil magistrate has been spurned at, and the laws trampled under foot, even in the face of government, by the regiments appointed to guard the city; what are we to expect from an increased number, with an assurance of their being kept at home? Will the greater number prove more amenable to the laws, than the less has proved? Can contempt of magistrates, breaches of laws, and disregard to government, such as we have seen in this city, to say nothing of other more remote parts of the kingdom, tend to *maintain the honor and dignity of the crown*, or to *promote public* service? I cannot imagine it, with all the respect I bear the many real gentlemen in the army, who are interested in the honor of the crown, and the freedom and prosperity of the kingdom, on whom the safety and security of the nation may be, in a great measure, thought to depend; when by the following report, it will appear, that a greater proportion of officers to men, than is now intended, with all their might, were not able to prevent the city gaol's being broke open, twice in two days successively, by the common soldiers in the barracks; though it is notorious, a number of the insurgents rendevouzed, the second day of the insurrection, in the royal square of the barrraks.

So that you may ſee, My Lord and Gentlemen, that it is not the burden of the increaſed eſtabliſhment, *I* dread, though I think it will prove intollerable, as an unneceſſary augmentation of an eſtabliſhment, which, in it's weakeſt ſtate, has been able to overturn the civil conſtitution, and did actually overthrow it, ſo late as the year 1765.

Had this daring inſult to majeſty, to government and laws been *fully* and *fairly* layed open, to our ſoveregne or his repreſentative, as I long contended for, in vane; I cannot ſuppoſe that any miniſter of his majeſty would have been hardy enough to recommend the preſent meaſure. I ſhall therefore, lay the evidence of the facts, as I took them, fairly before you, that they may furniſh you with proper arguments, and induce the king and whole legiſlature to yield to our loyal and juſt remonſtrances.

I need not trouble you with recitals of the many outrages upon liberty and the laws, committed by the ſoldiery in other parts of this kingdom, as muſt be preſumed, in deſpite of their officers: I ſhall onely trouble you with calling to your mind, the taking one of your high ſherifs, Mr. *Donovan*, as an hoſtage for ſome riotous ſoldiers, taken and committed to gaol by the lord mayor; the dragging him like a criminal, by a party of ſoldiers, to the barrack, and keeping him there, confined, till their brother rioters were diſcharged, by their order, without any proceſs of law.

It may be ſayed, that this was done by the ſoldiery, in ſpite to their officers.—Granted. I am as unwilling to ſuſpect officers capable of abetting, or even wilfully conniving at ſuch outrages, as any man. But if ſuch things might be done, when there was an officer to every three or four private men; what are we to expect, when the proportion of private men, to officers, is to be greatly increaſed? And what reparation was made to the civil power for this abominable inſult? Was any offender puniſhed for

this horrid crime, by the common law? No, not one. And are you to expect better treatment from an augmentation? You must ask the ministers; for, you know I am not in their secrets.

But, enormous and gigantic as this outrage must appear, it is but a trifle, a pigmy, compared to the riot, of which I took down the evidence, in the committee. Let me refresh your memory with abstracts from my notes.

It was given me in evidence, that a party of soldiers, being patrolling the streets, without a civil magistrate too, on *Sunday* the fourth of *August*, 1765, one of them presented his firelock at one *Derham*, with whom he formerly had some dispute, and shot him through the mouth. So that he lossed a great part of his tongue, gums and teeth, and languished in miserable circumstances, unable to earn a livelihood for himself or his family.

That this soldier was taken and committed to *Newgate*, out of which, he was rescued by a party of armed soldiers, on the sixth day of *August*, about noon.

That, by the testimony of a person of credit and character, who was in a timber-yard of his, opposite to the royal square in the barracks, on the seventh of *August* following, it appears that he saw a great crowd of soldiers assemble in the square. That seeing no officer with them, he asked some disbanded soldiers, who worked with him as sawyers, what could be the occasion of such crowds of soldiers, without officers? To which, they answered, that the soldiers had taken a soldier out of newgate, the day before, and they supposed, they were going upon some such errand again. That, in about a quarter of an hour, they marched out of the barrack, and he kept his eye upon them, till the houses interposed, and soon after, he saw them again, going over *Bloody Bridge*, where he observed the swords in their hands glitter in the sun, and heared them shout.——Yet all this, we must suppose, could not be, or it surely would have been, pre-

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vented by the vigilance and authority of the officers, especially, as the lord mayor, so lately apprised the commanding officer, of the riot of the preceding day, and demanded the proper satisfaction and security to the abused and insulted civil power.

On the seventh of *August*, the town was alarmed, so early as nine in the morning, by parties of soldiers patrolling the town with side arms, in a riotous manner. It appears, by the testimony of credible persons about *Newgate*, as well as of the under-gaoler and turnkey, that about four hundred soldiers came by *Corn-market* to the gaol, with swords drawn, flourishing and shouting. That they got up to the door, and after striking at it sometime, with sledges and a butcher's cleaver, they at length broke it open and discharged criminals to the number uf upwards of seventy. That such as were double bolted were carried out by the soldiers, and such as were in lighter shackles, ran away. That before the door was broke open, two officers, with a party of soldiers from the main guard, used every means in their power to quell and disperse the riot, but in vane. That when the officers, with small canes or rattans, struck the riotous soldiers, these returned the blows, and at the same time made feint strokes at the guard of soldiers, which fell with the flat of their swords upon the barrels of their firelocks, and soon after both joined and chatted together in great good humor, the riotous soldiers leaning on the shoulders of the guards. That, after many fruitless attempts of the officers to relieve the gaol, they were at length, forced to retire to *Corn-market*, where they stood with their men for some time, using all mild means to dissuade the rioters from their purposes, but to none effect. That, in about three quarters of an hour, they broke open the prison, and made a general gaol delivery in about twenty five minutes after. That a reinforcement from other guards came, but to no purpose. And, that in about fiveteen or

twenty

twenty minutes after the prisoners were discharged, a guard of foot came from the barracks.

This evidence is corroborated by that of Lieutenant *Barrington*, who upon the report of the soldiers' coming to break open the gaol, on the 7th of *August*, sent a reinforcement from the main guard to that of *Newgate*. That he got, with this reinforcement, to *Newgate* about a quarter after eleven, but, that the rioters got there before him. That he got up to the door with his men, and stood upon the defensive. That he saw Captain *Powell* and Ensign *Elliston* of the sixty-fourth regiment, and Lieutenants *White* and *Hamilton* of the fivety-sixth. And that they all used their utmost means to quell the riot, but to no purpose. That as the rioters grew more furious, the officers, who assisted him, were forced to yield to the multitude. And that being obliged to act onely upon the defensive, having no civil magistrate to give him command, and having his few men separated from him and disarmed, he was at length forced to retire towards *Corn-market*, where he waited some time, in vane, and finding the rioters had succeded, sent back the guard. That they had not got further than half-way into *High-street*, when he saw them return, with another reinforcement from the *Castle* guard, with the high constable; to whom he told it was too late, as the gaol was broke open.

Moreover, it appears, from the testimony of the turnkey of *Newgate*, that neither the gaol guard without, nor the centinels within, would obey him, or give any kind of opposition to the rictous soldiers. So that, upon the whole, neither non-commission or commissioned officers had any kind of influence or authority in preventing or quelling this riot. And if so, when the proportion of officers to private men, is great, what can be expected, when the proportion of the private men to officers is augmented?

After the gaol was broke open and the prisoners discharged, a guard, commanded from the barrack, arrived.

But they could do no more, than endeavour to prevent the mischief at other gaols; which they effected accordingly, in concert with the lord mayor, who was told it was the opinion of one of the officers, that if his lordship had timely marched a detachment of the guard from the barrack, in pursuit of the riotous soldiers and the discharged prisoners, some of them might have been apprehended or retaken. And that, about the 8th or 9th of *August*, the officers, of their own accord, brought several of the riotous soldiers before the Lord Mayor at the *Tholsel*, and that examinations were offered against the offenders, and pressed by the officers to be taken and to have the criminals, for the offences against the civil power, committed to the common gaol, to be dealt with agreeable to the common law; all which, his lordship declined, saying, he onely acted there as a civil magistrate, to administer an oath; that as they were soldiers that were the criminals, it belonged to the officers to punish them; besides, as *Newgate* was broke open, he had no place to secure them. Nor would he commit them, though the field officers offered to enter into bonds to the extent of their fortunes, for the security of such as he should commit, against any attempt of the soldiery. And as the lord mayor would not commit them to the common gaol, the officers judged it incumbent on them to commit the offenders to the martial prison.

This conduct of the chief magistrate will, no doubt, surprise you at first hearing it. But your surprise will be raised and change it's object, when, by the testimony of that very magistrate, it appears, that he acted in the whole of this extraordinary affair, by the direction of government!

This magistrate informed the committee, that he took the examinations against *Turner*, the soldier, who shot *Derham*, out of the justices office, to government; whom he was commanded to attend. That he took the examinations of some himself, and got others taken by other

other juſtices, and took them, with the gaoler's calendar and delivered them to the lords juſtices and council, where they were ſeverally read, and ordered to be left. That he got all back again, except *Derham*'s examination That having heared that a ſoldier committed to *Newgate* by one of the juſtices had been reſcued out of the gaol, next morning, he went with his attendants to the barrack and reſolved to have an interview with the commanding officer, who was colonel *Naper*. That he demanded that ſatisfaction for the extraordinary inſult on the civil power, committed by the ſoldiers in breaking open newgate. Threatened to lay open the whole affair before government, but wiſhing to have it in his power to make the moſt favourable report of the conduct of the gentlemen of the army, he expected to hear a ſatisfactory account of the inquiries the colonel ſhould make by the next morning. That the colonel promiſing to do all in his power, the lord mayor proceded to the market-houſe. That before he had gone through the ordinary buſineſs of his office, he heared a cry, "the "ſoldiers are coming again." That, upon looking out, he ſaw a large body of ſoldiers, to the number of about three hundred, huzzaing and crying liberty, keeping together in a diſtinct column, unmixed with the populace, who followed but did not join them. That inraged at this, after what had paſſed between him and colonel *Naper*, his indignation aroſe, and his firſt reſolution was to go and oppoſe them, unguarded and unaſſiſted as he was; but was diſſuaded from ſo raſh an attempt by thoſe about him, who then were onely his clerk, the high conſtable and the ſword-bearer. But upon recollecting the outrage of the preceding day, and the nature of his application to the commanding officer that morning, he could not conſider a ſecond appearance of the ſame ſort, in the nature of a common or accidental mob of the rabble or populace, and that he at all times conſidered it

extremely

extremely improper for a magiſtrate to appear in ſuch caſes, but when he had it in his power to ſuppreſs riots and outrages. That he therefore immediately determined to ſend for a proper force and ſo diſpatched his clerk, with all poſſible expedition to the barrack, to inform the commanding officer of this ſecond riot, and to deſire immediate aſſiſtance, to prevent further miſchief. That in the ſame inſtant, he directed the high conſtable to go with all expedition poſſible for the main guard, to command their attendance in *Corn Market*. That in a few minutes after, he ſent a ſervant to the officer of the infirmary guard in St. *James's-ſtreet*, deſiring his aſſiſtance alſo. That his idea was that if theſe ſeveral guards came timely to his aid, he might ſet himſelf at their head and hem in the rioters, till ſufficient force might come from the barrack to retrieve the gaol. That having diſpatched theſe ſeveral meſſengers, he waited with impatience for ſome of the required aſſiſtance. But having received no intimation of the arrival of any of the guards, till about a quarter of an hour after the gaol was broke open, and the aſſiſtance which then came being not above ſix or ſeven men and a ſerjeant, who had met the riotous ſoldiers at the upper end of *James's-ſtreet*, going as they were informed, towards *Kilmainham*, that he then thought it was to no purpoſe, with ſo ſmall force to attempt the purſuit of the numerous rioters, and therefore judged it moſt expedient, to wait for the expected reinforcement from the barrack, which accordingly arrived, in about twenty minutes after. And upon the firſt intimation of their arrival, he directly went down to them and found them drawn up in *Cut-purſe-row* and under *Newgate*, when he was addreſſed by the officers and called to for orders. His anſwer was, that he was now at a loſs, what anſwer to give as the miſchief was already done, and that by a body of armed ſoldiers. And therefore renewed the requeſt he had before made to colonel *Naper*, that they ſhould immediately

ately take such measures, as the rules and discipline of the army should point out, as the most effectual for the discovering and apprehending the persons who had been concerned in the riot on the preceding day, as well as this. And as they consisted of great numbers, it could not be difficult to lay hold on a sufficient number for punishment and example. That a report prevailing, that the rioters intended to break open the county gaol and other gaols in the city, it was properly proposed by the officers, that a guard should be dispatched with an officer to *Kilmainham*, in order to prevent the intended mischief there, and then directed an other guard for the defence of the Four-Court-Marshalsea, and a third, under the command of a justice of peace of the county, into the liberty, in order to endeavour the recovery of some of the prisoners, who had been turned out of goal. After these dispositions, he resolved to lay those transactions before government, and went to the Lord Chancellor's country seat for the purpose. That a council was called the next day, which the Lord Mayor was ordered to attend, when he layed the several examinations and all other information he could, before the Board, That Colonels *Naper* and *Barlow* were called in, to whom government expressed their horror of the riot, and the crimes of the soldiers, and intimated the necessity of setting an enquiry on foot, to discover the offenders. And as the officers intimated the necessity of being assisted by a civil magistrate, he offered his services, and the next day was appointed, at the Tholsel, for the purpose.

That a great number of officers appeared there, and brought thither a number of soldiers, charged with being concerned in the riots. That finding the number so great, that he conceived it impossible to reduce their testimony to separate examinations, he directed his clerk to take down heads of examinations, and got each to sign his own examination, and he signed it after them. That seven persons were particularly accused, and set apart as prisoners.

That

That upon the officers desiring o know how he would have the prisoners disposed of, he answered, that in the present defenceless state of the broken goal, the goaler and turnkey under dreadful apprehensions, and the under-goaler, lying ill of a wound, and when the two outrages that had been so lately committed, were occasioned by the confinement of one soldier only, he thought he could not in justice, and consistent with the peace and safety of the city, commit seven soldiers to that goal under such circumstances, and that he apprehended, it would prove another invitation to the soldiers to commit a new outrage. And therefore recommended it to the officers to commit the offenders to the Provost marshalsea, until the pleasure of government should be known. That this was agreed to by the officers, and the rioters were conducted to that prison, under a guard commanded by one of the sherifs. That, the officers upon the enquiry, expressed their resentment and desired to have the offenders punished. That the evening following, he communicated all that passed to government, he judged it his duty to wait their deliberations, And in the event found, their resolutions were to have those men tried and punished by a Court-martial, as the likeliest to inflict capital punishment on such extraordinary offenders. But finding the expectations of the publick disappointed by the sentence of the court martial, he redoubled his attention and endeavours to discover some others of the disorderly soldiers, in order to bring them to trial and punishment at common law; that the public might have the satisfaction of having the offenders tried by both laws. And having heard of one *Campbell* a soldier, who could give information against one *Whiterose* and one *Conway*, as rioters, he wrote a letter to the commanding officer at the Barrack, requiring the aforesaid three persons to be sent to him for the purpose. *Campbell* being sent and his examinations taken against the other two,

he

he ſent one of the ſheriffs to demand the offenders, who were given up and committed to Newgate; while the examinant was ſecured in the Black Dog priſon. That having alſo communicated this to government, a proſecution was directed to be carried on, at the ſuit of the crown, upon which he delivered the examinations into the hands of the crown ſollicitor. That, he heared and believed, that there were ſeveral ſoldiers ſentenced to be whipped, by a court martial, and that *Turner* the firſt ſoldier, was afterward tried and convicted of an aſſault upon *Derham*. That, the ſeveral heads of examinations againſt the ſeven ſoldiers were taken upon oath, and that he would have had them reduced to a regular form, had he not learned *that it was the pleaſure of government; they ſhould be tried by the martial laws*, and would have bound over the examinants, had he not been informed by government, that they were to be tried by a court martial. Being aſked, what he meaned by government, he anſwered, the Lord Chancellor. And agreed in the teſtimony of the officers, with reſpect to their giving ſecurity for the gaol being kept, but could not agree for the reaſons aforeſayed.

I believe you will with me judge it unneceſſary to go minutely into the reſt of the evidence, layed before this committee; ſuch as the depoſitions of a clerk of the crown, to ſhew the irregularity and impropriety of taking the original examinations out of the juſtices office, 'till they were returned to the proper court; or into that of one of your grand jurors, who ſhewed the true, conſtitutional ſpirit of the grand jury, in inquiring for the examinations, which ſhould have come before them, with the applauſe given them by the court, on one day, for their ſpirited conſtitutional conduct, or of the rebuke given them the following day for the ſame. You muſt have ſeen their loyal, juſt and becoming repreſentation to the court againſt the military outrages

and

and the suppression of the examinations, which interrupted public justice, and the asserting the authority of the laws, and the civil magistrate; these and some other like circumstances, in the report, which I am ready to produce, must have already fallen under the observation of most of you.

It is sufficient for me to remark, that such lawless and violent outrages were committed by the military against the civil power, as made the officers of the army blush, aud bring the criminals as expeditiously as possible to make attonement, by trying and punishing them, by due course of common law. But, that the chief magistrate, under the direction of government, gave up the offenders to be committed to a military prison, and to be tried and punished by the martial law; and so erected a military government, and a martial tribunal, upon the spoils of the civil government and constitution.

What has once been, may well be again. Look into all the nations of the world, antient and modern, who have lossed their liberty, and heaven knows how few have retained it; you will find none of them were compleatly inslaved, 'till they raised a standing army, superior in strength to the civil power. Thus fell *Greece* and *Rome*. Thus are the several members of the *Germanic* empire become despotic. Thus *Spain*, with her CORTES, and *France*, with her STATES, making as free a constitution as *Britain* can now boast, were reduced to, and will probably ever be kept in, abject subjection and slavery, by mercenary troops, perhaps first raised under the specious pretence of defending and strengthening the civil power, but, in the end, fatally used to inslave, and overturn it. And can any of you, be insensible of the havock made by an army raised by the authority of parlement, to defend the people from the tyranny of one of their king's in *England*? Was not the civil and ecclesiastical establishment of three kingdoms overturned, and were not all reduced to anarchy and a military government?

Can

Can any of you point out a single state in the world, in which liberty and a numerous standing army subsisted long together?

You may some of you glance at *Britain*: let such remember, that that wise people would never suffer a barrack to be built among them, well knowing, that the more the soldiery are detached from civil society, the greater ferocity they must contract, and the greater contempt for all laws and rules, but those maintained by the sword. This is visible in the difference of the disposition and manners of the soldiers, quartered upon, and those mixed with the burghers, and those cooped up in barracks, in the one place, military riots and outrages upon the civil power are rarely, if ever heard of, in the other, they are frequent.

Besides, the wise subjects of *England* have provided laws for the maintainance, regulation, and discipline of their army from year to year. And in these it is annually declared, that THE KEEPING UP A STANDING ARMY IN TIMES OF PEACE IS CONTRARY TO LAW; then the number necessary is declared, and limitted by parlement. And in order to inable officers to keep up necessary strict discipline and to punish crimes against the establishment; preparatory to the inacting clauses, there is this noble assertion of *British* liberty; WHEREAS NO MAN CAN BE FOREJUDGED OF LIFE OR LIMB, OR SUBJECTED IN TIME OF PEACE TO ANY KIND OF PUNISHMENT, WITHIN THIS REALM, BY MARTIAL LAW, OR IN ANY OTHER MANNER, THAN BY THE JUDGEMENT OF HIS PEERS, AND ACCORDING TO THE KNOWN AND ESTABLISHED LAWS OF THE REALM, &c.

Have we made any declarations or provisions, to these effects? Or, will those who contend that the *English* statute is in force here, of which number I am not, allow us to be included in these infranchising recitals?—There are no such pretensions.

Think

Think of these things, with your usual candor and judgement, and consider whether laws and provisions to these effects are not as necessary for this kingdom, as for the next.

I have now layed before you the states of the present and the proposed establishments. You see how burdensome and ill-managed the one is, and how intolerable the other.

Yet, let me repete it, they are not the expences of either, as far as they may be found tolerable, that strike me; but the imminent danger, that, in some future time, for we can have no such suspicion of the present, some tyrannical prince or wicked minister, may easily overturn the constitution and erase all traces of civil liberty, by the forces, raised and maintained for their support and defence. And I do contend for it, in the instances of those military riots, in which it appears not, that an individual offender was punished by the common law, that your constitution was suspended, if not for a time, perverted, from a civil, to a military government, and that, by the countenance, if not the positive direction, of your rulers.

Is this then a time to propose an augmentation of that power, from which we have so lately suffered so severely, and from which, we have so much to dread, for ourselves and posterity? Let your cool heads and loyal hearts determine.

Had this been as fully and fairly represented to his majesty and the wise and loyal of his ministers, is it to be imagined, that this dangerous and destructive scheme had been proposed?—No; no more than that royal thanks should be thrown away upon a certain officer, whose unforeseen and unexpected absence from his duty, delayed the relief demanded by the chief magistrate.

Some may be taken with the lure thrown out, of an intention to keep no less than twelve thousand men con-

ſtantly in this kingdom. This, indeed, may make the national expence more tolerable, but offers no ſecurity for civil liberty.

But, let thoſe, with whom ſuch conſiderations have any weight, conſider the qualifying proviſion annexed; twelve thouſand are to be kept at home, *as far as is conſiſtent with ſuch a defence as the ſafety of both kingdoms, in caſe of any ſudden or extraordinary emergency, may require.*

Thus, the outwitted ſtates of *France*, thought they made an happy and certain ſecurity for their own power and the rights of the people, by inacting, that the ſubject ſhould not be taxed or have any money levied upon them, without the expreſs authority of the ſtates, adding this unfortunate ſalvo, *unleſs upon ſome extraordinary emergency.*

Who is to judge of this *ſudden* or *extraordinary* emergency?—The King or the miniſter, to be ſure. In their judgement, in *France*, an *extraordinary emergency* was never wanting. So that the King, or his miniſter, never ſince has found it neceſſary to call the ſtates together: They create, and are judges of, the *extraordinary emergency*; ſo that the people are taxed at the diſcretion of the miniſter, in the name of the King, upon *every emergency*, which is reckoned *extraordinary*, while the ſubjects or ſtates dare not complain or murmur, being kept in ſervile ſubjection, by the military force, raiſed upon, and ſupported by, ſuch *pretended emergencies*, which, in ſuch a government, can never be wanting.

Wiſe, juſt, righteous and patriot as our preſent gracious King and adminiſtration may be, what ſecurity have we, that their ſucceſſors, will always be adorned with the virtues of their predeceſſors? May not ſome future ambitious prince and crafty miniſter, perpetually find out *ſudden and extraordinary emergencies*, to draw off thoſe forces, which you are to maintain, at an expence, which muſt unavoidably ſoon make your nation bankrupt, if the pay of theſe

troops was not ſpent at home, and which, if it ſhould, may make you bankrupts in liberty, ſlaves, if they be kept at home?

Dreadful alternative! Either way, ruin and deſtruction, in my apprehenſion, ſtare you in the face. But, you are the beſt judges, and to your judgement, I ſhall chearfully ſubmit.

In the laſt inſtructions, with which you honored and ſupported me, you recommended a militia bill, as the juſt and proper means to promote the natural defence and ſtrength of the nation. But, three prerogative adjournments of the houſe of commons, have prevented the paſſing that deſirable law, which muſt have made this horrible augmentation unqueſtionably unneceſſary.

After having zealouſly labored to promote the honor and intereſt of the king and his ſubſtitutes, as much as any man in my ſphere, if not more; after laboring with unwearied, indeed, indefatigable induſtry and care, in the common cauſe, and having promoted and introduced ſo many bills for the general good of the kingdom, and the particular advantage of this city; I cannot help lamenting, that your choice of a repreſentative has fallen upon ſo inconſiderable a perſon, as me; ſince I find it has been made a point, with our rulers, to ſupreſs moſt of the bills, by me introduced, and by order of the commons, by me preſented to government, to be tranſmitted to his Majeſty.

However unworthy, I may be found, this is an error in our legiſlative polity, which the repreſentative body of the nation cannot be ſuppoſed to bear long. If there be any power, which can preſume to cut off the neceſſary, eſſential and fundamental intercourſe, between the ſecond and third eſtate, with the firſt, on which the very exiſtence of parlement depends,, our government cannot be ſayed to exiſt.

The King can refuſe no petition from a ſubject. His ſubſtitutes are his ſubiects, and therefore cannot be greater

than

than him. If your petitions are not received, you have juſt cauſe to complain, and are intituled to redreſs. And this cannot be denied you, while you have the ſpirit to inſiſt upon your right.

Every bill, from either houſe of parlement, is a petition to the king, and there neither is or can be any man, or body of men, who dare interpoſe and ſtop the neceſſary free and frequent intercourſe betwen the king and his parlement, unleſs lawleſs force overturns the conſtitution.

Now, My good Lord Mayor, and you my worthy Fellow Citizens, Friends and Conſtituents, take theſe matters into your ſerious and prudent conſideration. Examine the whole, with your uſual penetration and judgement. Put my conduct to the niceſt and ſtricteſt teſt. With pride, I confeſs my ſelf your ſervant, ſubject to your admonition, and ready to receive and obſerve your inſtructions.

Excuſe the irregularity of the ſketch I lay before you. Time, the ſtate of my health, and numberleſs unavoidable avocations, could not admit of making it more correct and perfect. I throw it out thus, as a *word to the wiſe*. If it appears, as I fear it muſt, very defective, you will humanely accept the Will for the Deed, and by your wiſdom, ſupply my defects.

Conſider the weight of debt, under which your poor country labors. Conſider the ſtate of the preſent burdenſome and ill-managed, military eſtabliſhment. Conſider the conſequences of increaſing that eſtabliſhment, under which the civil government was ſo lately ſuſpended, or rather overturned. Conſider the immediate additional burden of near ſeventy thouſand pounds, and the burden of almoſt fourty thouſand pounds a year, to be layed upon a wretched country, ſunk already almoſt irretrievably in debt. Conſider what you have already ſuffered under your preſent forces, though made up of about one third officers,

who are generally gentlemen of respectable families and connexions, and some of them, natives. And consider what may hereafter be the consequence, when the proportion of officers is smaller, and these perhaps not of rank, characters or qualifications, equal to the present.

You must always remember, that STANDING PARLEMENTS and STANDING ARMIES have ever proved the most dangerous enemies to civil liberty. By your virtuous applications, seconded by the universal voice of the nation, you have happily got shut of the former. You are now called upon to oppose your weight to the later, which is by no means the left terrible.

I have presumed, briefly to lay the state of these matters, with my sentiments upon them, thus open to your view. Your penetration and sagacity, and public spirit, may, and I hope, will lead you further. I shall wait with impatience for the fruit of your deliberation. And as I pretend to no weight or consequence, but what I derive from you; I flatter my self, your unvaried attachment to the honor and dignity of the crown, your patriot regard to the true interest, freedom and happiness of your country and city, will be manifested in your instructions to

MY LORD and GENTLEMEN,
Your most faithful,
Most affectionate,
Most obedient,
And
Most devoted Representative
And Servant,

Dublin, Henry-street,
April 21, 1768.

C. LUCAS.

P. S, This important question comes on in the house, on *Monday* next.

A Mirror for Courts-Martial:

IN WHICH THE

COMPLAINTS, TRIAL, SENTENCE AND PUNISHMENT

OF

DAVID BLAKENEY,

ARE

Represented and Examined with Candor.

THE FIFTH EDITION.

By C. LUCAS, M. D.
A Citizen of DUBLIN in PARLEMENT.

——— Innocence ſhall make
Falſe accuſation bluſh, and Tyranny
Tremble at patience.——

SHAKESPEAR.

DUBLIN:

PRINTED FOR THOMAS EWING IN DAME-STREET.

M,DCC,LXVIII.

INTRODUCTION.

IN a Free State, like this, every man is anſwerable for his conduct, in his public character. I am ever ready to ſubmit mine to the ſtricteſt ſcrutiny, and flatter myſelf, it will be found to bear the ſevereſt teſt.

It is obſerved by ſome, with an evil eye, that I buſied myſelf greatly in a particular inſtance, in matters, with which, it is said, I had no ſort of concern. That I ſolicited for the pardon of an infamous offender, in the military too, a department, quite out of my ſphere, and that I made ſeveral motions in the Houſe of Commons, in favor of ſuch a delinquent, unbecoming the dignity of my ſtation.

In common juſtice to the unfortunate man, whoſe pardon I ſolicited, as well as to mine own character, it is made neceſſary to explane the caſe, and the tenor of my proceding thereupon.

In this, it will be found, that I had no particular regard to the individual, that I never knew, or heared of him, or even of his trial, till after he was led to execution, and by unheared of inhumanity, provoked into ſuch a pitch of madneſs, as to drive him, in his frenzy, to lay violent hands upon himſelf.

A good Citizen cannot look with indifference upon the diſaſters of his fellow ſubjects. He muſt feel for the adverſities and wrongs of his neighbours. And like the good *Samaritan*, he muſt ever be ready to pour the healing balm into the wounds of the afflicted.

But the good Citizen goes even further than this, he feels and resents the wrongs and injuries, the bonds and the stripes, inflicted upon his innocent neighbour, and naturally seeks every just means of redress. He justly judges that *the Cause of* INNOCENCE *is the Cause of* ALL.

The good Legislator must go still further. Though appointed by a part, he becomes a trustee and a guardian for the whole kingdom. He can suffer or see no wrong done, without applying for a proper remedy, as speedily as possible. And while, I hope, it will be confessed that I acted agreeable to the duties of my station; it will appear, that the person, for whose pardon I solicited, was an object of mercy, and that much evil might have been prevented, and no wrong done, by suspending the execution of that sentence, till further inquiry was made into the circumstances of the case.

Now, I am doubly called upon to state this case, in justice, first to a member of society, whom I think injured, and next in regard to mine own reputation, as a Citizen, and as a Member of Parlement.

To conclude with the poet:

Of all the virtues, JUSTICE is the best;
Valour without it, is a common pest:
Pyrates and thieves, too oft with courage grac'd,
Shew us how ill that virtue may be plac'd:
'Tis but complexion makes us chaste or brave:
JUSTICE from Reason and from Heav'n we have;
All other virtues, dwell but in the blood;
That's in the soul, and gives the name of GOOD.

WALLER.

A Mirror

A Mirror for Courts-Martial, &c.

THE extraordinary clamour induſtriouſly raiſed againſt my conduct, with reſpect to the unfortunate DAVID BLAKENEY, a Matroſs of the Regiment of Artillery, calls upon me to make out my juſtification to the public. And, as ſelf-defence or ſelf-preſervation is the firſt law of nature, thoſe who put me under the diſagreeable neceſſity of making this publication, muſt blame themſelves, if bringing theſe matters more clearly to light can give offence; when they reflect, that all poſſible peaceful, merciful and juſt means were tried in vane, before this was, or could be, attempted.

I am fully perſuaded, that ſome military force is neceſſary for this kingdom, and ſhould wiſh to ſee an eſtabliſhment, ſuitable to the neceſſities and circumſtances of the nation, well regulated and ſtrictly diſciplined, conſtantly kept on foot, until the natives of *Ireland* become capable and qualified to defend their liberty and property, in the form of a militia.

At preſent, I am ſenſible of the uſe and neceſſity of a ſtanding army. And though I cannot approve the preſent expenſive eſtabliſhment, nor give my conſent to an augmentation of it, in any form, or upon any conſideration; I hold the gentlemen of the army in general, in high honor and eſtimation, being perfectly ſenſible of the many obligations we owe their virtue and valor, notwithſtanding the numberleſs violent outrages upon the civil power, all over the kingdom, and particularly in this capital, committed by the ſoldiery.

But, while I honor and eſteem the officers of the army, in their ſtations, I can in no ſenſe, think them infallible; and leſt of all, when I conſider them as judges of the lives, liberties and properties of their fellow ſubjects, eſpecially of thoſe of the inferior claſs, who are neceſſarily made ſubject to the abſolute, not to ſay deſpotic, command of their ſuperiors.

To be plane, ſince I have been able to form any judgement of ſuch matters, I have learned to look upon Courts Martial, with a very jealous, ſuſpicious eye. I will not ſay, that theſe courts are not neceſſary, or that they have always erred: I think they are and muſt be neceſſary, while an army continues to be ſo. But, as the beſt inſtructed, the moſt indifferent, and leſt biaſſed or prejudiced judges, as men, muſt be fallible, and do, and muſt often err, ſo gentlemen of the army, who cannot pretend to be the beſt inſtructed, the moſt indifferent, the leſt biaſſed, or the moſt unprejudiced judges in the martial courts, muſt be the moſt liable to errors in their judgements.

There is no claſs of men in the ſtate, ſo likely to be unacquainted with the liberties and rights of the ſubject, or the laws on which they are founded, and by which they are fended and ſecured, as the gentlemen of the army: For, though it muſt be confeſſed, there are many moſt accompliſhed men amongſt them; yet, in general, they are the laſt, that are called upon, in the miniſtration of juſtice; they rarely read any law book, beyond the Articles of War; they are hardly ever called to attend courts of judicature, as jurors or other civil officers, and the principal requiſite qualifications for their ſphere, are obeying and commanding well, in their turn.

No wonder then, we find ſuch an univerſal outcry againſt the procedings of Courts Martial in *Great Britain*, where, it is probable, they are not the worſt conducted. Let any man, who has thought of the ſubject, but recollect what

what has happened within our own times, to go no further back, with respect to Courts Martial, and differ from me in judgement, if he can.

Let us overlook many of inferior note, to take a view of the conduct of the Courts Martial, who tried the Lord *George Sackville* and Admiral *Byng*. I do not pretend to enter into the merits of the cases of these officers. I shall onely in general observe, that no delinquents, supposing these such, were ever brought to trial under more unhappy circumstances: They were each sentenced to death and destruction in every company, perhaps by every individual in *England*, before either of them returned home. So, that had they been allowed the challenges to their juries, which the common law authorises, it might be hard, if not impossible to find a lawful jury to try either; for both were every where, and by almost every body prejudged.

The noble lord's fate was still harder: He, was, untried, perhaps before he landed in *England*, brought to very severe punishment, a punishment, to some, worse than death. He was, by a prejudgement, stripped of all his military honors, commissions and employments. And, when by this means, he got out of the yoke of the military law, he was tried by a Court Martial, which had no more power, authority or right to try his Lordship, than to try any of the Bench of Bishops upon an imputed civil crime.

The supposed criminal was attended with this among other aggravating circumstances, that he was tried by a Court of Officers, whose tenure of their commissions stood upon the same fragil footing with that of his Lordship's, the will of their commander. That commander had already passed sentence upon his Lordship. He had an undoubted right to dismiss any soldier his service. What then was this court to try?—Nothing less, than whether the sentence of the great commander was just or not.—

Was it then to be ſuppoſed likely, that a court ſo circumſtanced, could preſume to reverſe the great ſentence of the great commander?—Whether they were free, impartial, independent and unprejudiced judges or not, let their conduct tell. They, in effect, confirmed the ſentence. Now, I contend for it, that if they had a right to try him, which I muſt ſuppoſe, they knew, they had not, and had the charge againſt him been legally proved; by the Military Law, by the Mutiny Act, ſect. I. he ſhould have been ſentenced to death. And if the charge was not fully proved; by every law, he ſhould have been acquitted.

As for *Byng*, I do not find, that he was ſtripped of the military rank or character, though I well remember, he was univerſally condemned by ſea and land, before he was brought to his trial. The court judged it right to affirm the popular ſentence, and ſo the Admiral was ſentenced to be ſhot. But, before the execution, his judges relented and grew penitent, and petitioned parlement to be abſolved from their oath of ſecrecy, in order to lay the motives of their proceding before a ſuperior court, who might mitigate or ſuſpend a ſentence, which lay ſo heavy on the conſciences of theſe judges, as to have greatly diſturbed the peace of the whole, and as I have heard, the underſtandings of ſome. And ſo this *Britiſh* Admiral was ſhot, as a *Frenchman* humorouſly expreſſed it, *pour encourager les autres.*

The trial of Colonel *Lambert* is recent in every body's memory: Colonel *Cary* memorialed the King for ſome mark of his favour, in conſideration of his valour and proweſs in heading and leading on the troops at St. *Cath.* Colonel *Lambert* applied for the like favor, for the like reaſon. The commander in chief judged the later application injurious to the honor of the former. And therefore, Colonel *Lambert* was called to a Court Martial for defaming his officer.

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In this trial, the aſſertions and allegations of Colonel *Lambert* were clearly and inconteſtably proved, even by the witneſſes called by Colonel *Cary*, as well as many others. It was proved that Colonel *Cary* after a certain time diſappeared, and that Colonel *Lambert*, by ſpeech and example, inſpirited the men, and led them on through every danger, till he was commanded to retreat, which he did in the beſt order poſſible. Colonel *Cary* conteſſed the truth, apologiſing, very properly, no doubt, that the wind of a cannon-ſhot had knocked him down, and diſabled him for a conſiderable time.—What the ſentence of this Court Martial was, has not, that I have learned, as yet appeared. But this reſult of it is well known; that the brave Colonel *Lambert* was kept in arreſt for ſome weeks, put to very great expence, and that, though he inconteſtably proved the truth of every aſſertion and allegation he made, he received no mark of favor or common compenſation; while Colonel *Cary* was made as he deſired, an Aid du Camp to his Majeſty, which muſt be preſumed to have been done upon the repreſentation of the Court Martial.

If I were to recount the inſtances, where the courts of law have interpoſed, cenſured and corrected Courts Martial, or given their victims coſts and exemplary damages againſt them, I know not where I ſhould end. I ſhall onely mention one or two examples more, which may ſuffice.

A ſoldier of the Royal *Britiſh* Volunteers, finding himſelf hardly uſed by one of his officers, conſulted a neighbouring lawyer for relief. The officer hearing this, was further incenſed, commanded the ſoldier to attend at his lodgings, which he did for ſeveral days ſucceſſively, at the hours appointed, at which hours, the officer was from home. Nevertheleſs, he charged the ſoldier with diſobedience to orders, had him tried by a Court Martial, and ſentenced to receive ſeveral hundred laſhes, which he ſaw inflicted,

inflicted, apparently with as much pleasure, as the wretched soldier suffered pain.

The lawyer did not suffer it to end here: He brought an action against the officers that composed the Court Martial, and they were fined several hundred pounds. I cannot concele this, though mine own son had the misfortune to be concerned, to be president, though under age.

The sentence of a Court Martial upon lieutenant *Fry*, at *Jamaica*, in the year 1740, is too remarkable to be forgot by any, who read it. The crime charged against *Fry* was no less than mutiny. But his defence was, that he did not refuse to obey orders, but declined obeying till he should have received a written order from his commander. However, he was kept in close confinement for fourteen months, deprived of the comfort of seeing his friends, of the use of pen, ink and paper, and so cruelly treated, that he fell into very severe distressful disorders.

At length, he was brought to his trial. The witnesses produced against him, were mean, ignorant and illiterate people, quite unknown to *Fry*, whose depositions were taken down in writing, several days before the trial. He therefore objected to their evidence; but was answered with brow-beating, over-ruling, cursing and swearing, and other insolence. And, upon the whole, he was found guilty, and sentenced to be imprisoned for fifteen years.

After this, he was brought into *England*, and committed to the marshalsea. This gave him an opportunity of petitioning the king, whose royal clemency opened the royal ear and the fountane of mercy, to the grievous complaints of his worthy soldier oppressed. Upon the council's report of the unfortunate sufferer's hardships, the king pardoned him and restored him to his rank.

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This gave him an opportunity of bringing his tyrants before a *British* civil tribunal. He brought an action of false imprisonment against sir *Chaloner Ogle*, president of the court-martial, before the lord chief justice *Willes*, in the court of common pleas, and obtained a verdict for one thousand pounds damages, against *Ogle*, and liberty to bring actions against all and each of the other officers, who composed the Court Martial.

Accordingly, the same worthy lord chief justice, issued his writs, for arresting *Perry Mayne*, esq; and captain *Rantone*, being members of *Fry*'s Court Martial at *Jamaica*, though they were then engaged in a Court Martial, which sat at *Deptford*, on the trial of admiral *Lestock*, of which court, *Mayne* was president.

Upon this *Mayne* was arrested, when the Court Martial was up. Whereupon the court, in high wrath and indignation, the next day entered into a set of the most violent, insolent and abusive resolutions, asserting the prerogative and powers of their court, and casting many insolent reflections upon the lord chief justice and court of common pleas.

But the spirited chief justice was not to be frighted out of a sense or discharge of his duty. Therefore, he asserted the authority of the civil power, by attaching the whole Court Martial, till he brought them to a sorrowful sense of their insolence and delinquency, and then pardoned them upon their making the following humiliating, mortifying submission and recantation.

" As nothing is more becoming a gentleman than to acknowledge himself in the wrong, as soon as he is sensible that he is so, and to be ready to make satisfaction to any person he has injured. We therefore, whose names are underwritten, being thoroughly convinced that we were intirely mistaken, in the opinion we had conceived of

of the lord chief juſtice *Willes*, think ourſelves obliged in honor, as well as juſtice, to make him ſatisfaction, as far as it is in our power. And as the injury we did him was of a public nature, we do in this public manner declare, that we are now ſatisfied, the reflections caſt upon him in our reſolutions of the 16th and 21ſt of *May* laſt, were unjuſt, unwarrantable, and without any foundation whatſoever. And do aſk pardon of his lordſhip and the court of common pleas, for the indignity offered both to him and the court. Nov. 10, 1746. Signed by admirals *Mayne*, *Byng* and others to the number of ſeventeen.

Theſe few inſtances, out of many more, which might be given, ſhew that Courts Martial have often exceded the bounds of law, and violated the principles of juſtice and humanity. Which makes it moſt neceſſary to hold a watchful eye upon their conduct, and to reſtrain them within the bounds of juſtice and moderation.

This recantation, as a humiliation of this, and a warning to all future Courts Martial, was ordered to be recorded in the remembrancer's office, and publiſhed in the *London* gazette.

The very law, which gives the power to officers to hold Courts Martial, and which makes ſoldiers the onely claſs of men, who are deprived of the ſacred privilege of being tried by their peers, encourages the ſoldiers to make complaints occaſionally, and leaves them room to bring bills, plaints and actions againſt their judges, in the ſuperior courts; by which, it appears, the legiſlature did not judge officers or Courts Martial infallible.

The *Britiſh* act of parlement, of the ſeventh of his preſent majeſty, for puniſhing mutiny and deſertion, &c. and I have not yet ſeen the *Iriſh*, inacts "that if any paymaſter, agent or other officer, having received the ſoldier's pay, when it ſhall become due, according to the rates

rates therein mentioned, upon proof before a Court Martial, of having ſtopped, detained, or withheld ſuch Pay, ſhall be diſcharged from his employment and forfeit, upon conviction, one hundred pounds, and the informer, if a ſoldier, ſhall, upon demand, be diſcharged." ſee Sect. xxi; and that actions, bills, plaints and ſuits may be brought againſt any perſon or perſons for acts, matters or things done in purſuance of the act, or againſt any member or miniſter of a Court Martial, in reſpect of any ſentence of ſuch court, or of any thing done by virtue, or in purſuance of ſuch ſentence, appears by Sect. lxiii, lxiv.

But this does not argue a particular diffidence in Courts Martial: The wiſdom of our laws has ordained a like watchful eye to be held over all the common law courts, and even the ſacred fundamental inſtitution of juries. And every inferior court is anſwerable for its conduct to ſome ſuperior, and all, to the high Court of Parlement.

If then, the conduct of courts, wherein the lives, liberties and properties of the ſubject are to be tried by the verdict of twelve men of their own rank, allowing certain challenges and exceptions, to certain numbers of the pannel peremptorily, and to as many more as reaſonable cauſe of exception can be ſhewn, may by law be excepted againſt and arraigned; how much more reaſonable and neceſſary is it to hold a watchful eye on the conduct of Courts Martial, in which Officers are often the proſecutors and judges of thoſe Soldiers, who are ſo much their inferiors, that it is held not unlawful or unjuſt for an Officer to kick, cuff or cudjel a Soldier, while the ſoldier is puniſhable with Death, that reſiſts or raiſes his hand againſt his ſuperior officer? Where the Soldier has no challenge to any of the Judges, though his bitterest enemy were of the number? And where his Judges, thus circumſtanced, are the executioners of their own ſentence?

While I have the honor of a Seat in the Legiſlature, I ſhall think it my duty to give the beſt attention I can,

to

to thoſe matters, in order to uſe my beſt means to procure an amendment of the martial laws.

From theſe conſiderations, and from the common ſenſations of humanity, it was impoſſible for me to hear the melancholy ſtory of BLAKENEY, the Matroſs, without emotion.

The reports, which ſhocked my ears, with thoſe of the public, were, that a Matroſs, for complaining of grievances and hardſhips, inſtead of receiving redreſs, was himſelf puniſhed for complaining, ordered to receive five hundred laſhes, from a number of the moſt able bodied drummers in the barracks, by that very court, wherein he appeared as a proſecutor, not as a delinquent. That, at the place of execution, grown frantic with his diſtreſſes, and repeted inſolence and cruelty, he ſtabbed himſelf, and was ſent to the royal Infirmary.

However confident I might have been in the honor and humanity of the officers of the army in general, I judged this ſtory demanded attention, and I ſtraitway reſolved to inquire and learn the truth.

I was informed that the private men of the Royal Regiment of Artillery had long laboured under heavy oppreſſions, with reſpect to exceſſive deductions and ſtoppages out of their ſubſiſtence, for ſupernumerary cloaths, and other matters, agreeable to the fancies of their officers, but quite contrary to the law, which aſcertains the full pay, the ſtoppages for neceſſary cloathing, &c. and the actual ſubſiſtence of ſoldiers, and makes it penal in any officer to detain or withhold any part of their pay, upon any pretence whatſoever, without the expreſs direction of his Majeſty, under his royal ſign manual.

To avoid the penalty of mutiny, which muſt follow the complaint of a number of the men, they unanimouſly pitched

pitched upon DAVID BLAKENEY, a Matrofs, to make the complaint in his own name, which he readily undertook, confcious of truth and his own innocence.

With all becoming refpect and deference, he often remonftrated upon thefe grievances, to his officers; but without any redrefs. At length, the complaints were made to the commanding officer, but to little better purpofe, one or two of the flighteft grievances onely, being redreffed. And this giving no fatisfaction, it became neceffary to fummon a Regimental Court Martial, before which BLAKENEY was ordered to bring his complaints.

It is obfervable, that this court, which was appointed to determine the property and rights of a foldier, was not fworn. It was therefore objected to by the Complainant, but to no effect; his objection was over-ruled, and they proceded to judgement.

It was apprehended, that if the court was not legally qualified, it could have no competent jurifdiction, and therefore, could ferve for no better purpofe, than to difclofe the nature and form of the complaints, and the evidence to fupport them, and fo leave the Complainant farther from redrefs than ever.

BLAKENEY, unable to contend with his officers, was forced to give up his exceptions to their not being fworn, and in obedience to their orders, gave in his complaints to the number and effect following:

I. That though by the Marquefs of *Kildare*'s recruiting advertifement, under which he lifted, the fubfiftence of a Matrofs was fixed at five fhillings and fix-pence half-penny the week, this Complainant never received more than five fhillings and fix-pence a week.

II. That

II. That upon his entering the regiment, instead of the full cloathing appointed by his Majesty, this Complainant got but an old, bad coat, and in some time after, a new waist-coat and breeches, for which breeches, he was forced to pay six shillings and six-pence, by two shillings a week, stopped out of his subsistence.

III. That though his Majesty, of his royal bounty, has ordered, that each soldier, with his annual cloathing, should receive, as what is called Half-mounting, one shirt, one pair of stockings, one pair of shoes, and cloath for gaytres, roller or neck-cloath, in lieu of which, ten shillings in money is ordinarily allowed by the Board, under the denomination of half-mounting money; this Complainant received no half-mounting, nor value for it, until he was a year in the regiment, though furnished with the shabby cloathing first mentioned, and afterwards with full cloathing, and then he received but five shillings, which is but half the allowance.

IV. That of an annual allowance, called utensil-money, he received none, though he was near three years in the service, until he was confined by the Regimental Court Martial, and then, by way of hush-money, he was paid for one year. Of this more hereafter.

V. That in the year 1765, he was charged one pound three shillings and nine-pence; and in the year 1766, thirteen shillings and six-pence, for two pair of leathern breeches, and for the payment of these sums, he was laid under stoppages of two shillings a week, out of his subsistence.

VI. That though there is a certain deduction made out of every soldier's pay for the hospital and infirmary, this Complainant was laid under the additional stoppage of one half-penny per week, out of his subsistence from *May* 1765, to *July* 1766, which was said to be for the use of the infirmary.

VII. That

VII. That the ſtoppage of one half-penny per month was made out of his ſubſiſtence, which was ſaid to be for the cleaning the Neceſſary Office. This, I find, was afterwards given up.

VIII. That while he had one plane and one laced hat in uſe, and a new laced hat in the ſtores, he was forced to pay for a fourth, a very ſmall, coarſe Felt, two ſhillings, and for feritting to tye it, two-pence.

IX. That though the cloathing is aſcertained by his Majeſty's order, and deductions, more than ſufficient, made for it out of the eſtabliſhed pay, the Complainant and other private men, were put under ſtoppages, out of their ſubſiſtence, for a buff-colored, ſupernumerary waiſt-coat, when the King's order for cloathing required the old coat to be made into a waiſt-coat, and the making paid for by the board. But this article, the General Court Martial, in their ſentence, declare to be a grievance, as will hereafter appear; while the Complainant, for the ſole crime of complaining, according to law, is ordered to receive five hundred laſhes of a Cat-of-nine-Tails, how agreeable to law, let the juſt and diſpaſſionate judge.

X. That while he had a ſuit of cloaths in wearing, and a new coat, due in *Auguſt*, by the King's order, in the ſtores, which had been but a day or two worn, he was put under ſtoppages, out of his ſubſiſtence, for the payment of one pound and nine-pence, for a frock, regardleſs of his Majeſty's cloathing order, and that which expreſsly forbids all ſtoppages, not warranted by his ſign manual.

XI. That the cloathing, which became due in *Auguſt*, was not permitted to be worn above two days, when they were taken from the men, and locked up in the ſtores, where they have been ever ſince kept from the Complainant, and the reſt of the men.

XII. That a deduction of one farthing a week, out of his subsistence, has been often made, for the carriage of his pay to *Chappel-Izod*. The deduction of a farthing a month out of each private man's pay, for this purpose, was confessed by the adjutant on the floor of the House of Commons.

XIII. That there are twenty-five men of the regiment, mustered as soldiers, who never do any part of the duty of soldiers; that one of these mustered men, namely, *John Robinson*, never did any part of the duty of a soldier, or even ever appeared in regimentals, being but a boy, in no sort qualified to be inlisted, or for service; that another of these mustered men, namely, *William Connell*, never did any part of a soldier's duty, or even ever appeared at muster, in three years: and that many of them wear liveries and act as servants, not as soldiers.

Now, supposing these complaints well founded, what punishment is due to the offender or offenders? And what redress to the Complainant, according to law?

The act for punishing mutiny and desertion, of the seventh of his present Majesty, sect. XXI. ascertains the pay of the private men, in the different corps, distinguishing their actual subsistence to be paid weekly, without deduction, and certain allowances for other necessaries, to be accounted for once in two months; and the stopping, detaining or withholding such pay, when due, subjects the pay-master, clerk, agent or officer, so offending, to the penalty of one hundred pounds, and intitules the soldier informing or complaining, to his discharge, if he desires it. And by sect. xxii. agents acting contrary to the intent of this act, or disobeying or neglecting such orders, as are or shall from time to time, be given by his Majesty, under his sign manual, shall be discharged from their offices, and utterly disabled from holding any such office under his Majesty.

Now

Now, his Majesty, under his sign manual, has directed and ascertained the cloathing, as well as the pay of his soldiers. All stoppages of that pay, or alteration in that cloathing, subjects the officer or officers making them, to the penalties of this act. The alterations in the cloathing, and the stoppages made in the pay of the complaining Matrofs, and the other private men of that corps, are not attempted to be denied, but are in general confessed, without any authority for so doing, under his Majesty's sign manual. The General Court Martial, in their sentence, admit the article of the buff-coloured waist-coat to be a Grievance, in the strongest terms, to wit, "The court finds, that with respect to the seventh article of the charge, the stoppage made from the Complainant, on the said article, was a Grievance, as being unnecessary; the cloathing of the Royal Regiment of Artillery being ascertained by his Majesty, and thought to be sufficient." We shall hereafter see how the court has thought fit to construe away this acknowledged and adjudged Grievance, as well as to change the number of the articles. If this and other confessions of stoppages and alterations of pay and cloathing, want further proof, let it be remembered, that it was proved by the adjutant of the regiment, on the floor of the House of Commons, that the whole corps were under stoppages of two shillings a week, out of their subsistence, part of it for carrying their pay to *Chappel-Izod*. Hence, it is easy to judge, whether or not justice is done to this corps in general, to their Complainant in particular. Whether their commander has transgressed the law and the orders of his Soveregne, and whether the complaint can be judged *vexatious or groundless*, which alone can bring the Complainant or Apellant under the censure of the Court-Martial, according to the XIIth section of the Articles of War.

But, the number of the articles in the charge, and those in the sentence of the Court-Martial do not correspond. How is this to be reconciled?—To me, it appears, that

one or two of the articles of complaint, exhibited in the Regimental Court Martial, were suppressed and not admitted to come before the General Court Martial.

For, as I am informed, when the commanding officer gave the Complainant no redress, and he resolutely, yet respectfully, insisted upon his complaints being judged by a Regimental Court Martial; the adjutant, on the morning this court sat, put some money into the Complainant's hand, in lieu of the farthings, stopped for the unheared of carriage of his pay. And though this was and should have been taken as a confession of guilt, and the strongest proof that could be given of the truth of the complaint; yet this article was struck out of the charge, and not admitted to come before the court, but new modelled as the judges thought fit, regardless of the soldier's unquestionable right to make this an article of his complaint, before both the Regimental and the General Court Martial. And sure this charge alone, thus confessed, could have left no room to censure the complaint, *as vexatious and groundless*. It is hence observable, how unfortunate the Complainant, or any other soldier in his circumstances must be, when his complaints, his property and his liberty, are tried by, and lye at the mercy of, a set of interested, sometimes angry and incensed gentlemen, who are without the lawful and necessary bond of security, of an oath, to be the judges. At best, it serves no better a purpose than to open the complaint, to discover and weaken, or perhaps remove the evidence, and to discourage and intimidate the Complainant. This seems to have been the case here: The charges in general were not, as I am well informed, denied; they were justified, as tending to the good of the service, and therefore demanding submission and obedience, instead of redress. And accordingly, when the complaints were thus modified, the judges sat. And without pronouncing any sentence, yet made known to the Complainant or any other of his rank in the corps, he was committed a close prisoner to the guard-house, and there kept some days.

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This was all that tranſpired of the judgement of this Court Martial, which, as not ſworn, could onely be conſidered as a court of inquiry, to examine the truth and foundation of the complaints, but having no ſort of legal power or authority to puniſh the ſoldier for complaining.—Let men of law judge whether this was or was not in the whole, an unjuſt and unwarrantable proceding, and whether the impriſonment was not arbitrary and illegal, and ſubject to the penalties of falſe impriſonment.

But this, I am informed, was not the onely article ſtruck out of the charge and not permitted to be regularly tried in the appeal: For, while the Complainant, in his priſon, bravely and reſolutely inſiſted upon having his complaints tried by a General Court Martial, the ſerjeant-major came to the Complainant, while he remaned impriſoned by order of the Regimental Court Martial, and paid him ſome money, in hopes of diſcharging the complaint of the non-payment of utenſil-money, in Article the fiveth.

Here then, is another confeſſion of injuſtice and guilt, which proves the juſtice and neceſſity of the complaints, and muſt alone have made the appeal *far from vexatious and groundleſs*, had not this article been thus artfully ſuppreſſed, which could onely, in all probability, be done by a court, which conſidered themſelves bound by no oath: For, had they been ſworn, indifferently and fairly to try and to do ſtrict, equal juſtice, between the ſoldier and the commanding officer; it cannot be ſuppoſed, that any part of the complaint could be ſuppreſſed, or the dutiful, honeſt and brave ſoldier puniſhed with impriſonment, merely for complaning, in due courſe of law and ſubordination.

Thus, it appears to me, that the whole number of articles exhibited in BLAKENEY's complaint, was not brought fully and fairly before the General Court Martial. And yet, though ſeveral of the articles were thus ſuppreſſed;

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the court is forced to confess part of the charge, "*a grievance*, as the cloathing was ascertained by his Majesty's order and thought sufficient, and therefore the buff-colored waist-coat, unnecessary."—Therefore the pronouncing the complaints *vexatious and groundless*, became a superlative additional *grievance*, repugnant to the letter of the military law, and to every principle of common law and justice: For, while any part of the complaint was confessed to be true and well founded, the appeal could not justly be said to be *vexatious or groundless*, consequently, the censure must be arbitrary and illegal.

But BLAKENEY's complaints were not confined to the articles of this charge, though they had been fully allowed to come before the General Court Martial, as they were not; for, this court refused to take cognisance of the articles relative to paying for the carriage of his pay, and to the utensil-money, or of the charge of obliterating these articles out of the complaints, tried before the Regimental Court Martial; because part of these demands were allowed to be paid, the one, by the adjutant, the other, by the serjeant-major; and these sham and incomplete, and *ex post facto* payments were pleaded and allowed in bar to these articles, though large arrears appeared due upon these heads.

The most material of BLAKENEY's complaints, as the most distressful and intollerable, was his imprisonment by order of the Regimental Court Martial. This, therefore, was one of the great and primary objects of his appeal.—When this was apprehended by his officers, he was set at liberty, sometime before the General Court Martial was appointed or sat, not out of any compunction or mercy of this court, that by any means appears, but on purpose to elude the imprisonment's being made an article in his appeal.

And we find, this had the like effect with the *ex post facto* payments: For, this imprisonment was not permitted to be entered among the charges, or in any sort inquired into, or even to appear in the notes or minutes of the court, as I am informed; it being alleged, that the Complaint was released or discharged from his imprisonment, before the General Court Martial sat, and this release was insisted on and judged by the court to be a sufficient bar against every attempt to introduce or plead the charge of imprisonment, or to the making any inquiry relative thereto: And the reason was undoubtedly, equally just with those for suppressing the articles, obliterated by the Regimental Court Martial; because part of the demands were paid after the complaints were made and proved. How far this is consonant to any principle of law, justice or common sense, I venture to submit to the cool consideration of the dispassionate and disinterested.

Thus, was BLAKENEY deprived of his unquestionable right of bringing his appeal from the judgment of the Regimental Court Martial, that imprisoned him, to the General Court Martial, before whom every article of his complaints, exhibited or offered, in the former court, together with his greatest grievance, his imprisonment, by order of that court, should undoubtedly have been brought and fairly and justly examined and judged.

No wonder then, if these material articles were permitted to be thus suppressed, and denied the just adjudication in appeal, that BLAKENEY's complaints should be found *groundless and vexatious*. But, unfortunately for his judges, they have themselves, in their sentence, confessed *one* article to be a *grievance*. Add these suppressed charges, which, as I am well informed, are on all hands allowed incontestably true, and see how many more *grievances* must be made out. Then, reflect how far the complaints appear from being *groundless or vexatious*, and how just the penalties imposed or ordered to be inflicted must appear.

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When by the suppression of these articles of the complaint, such confusion and discord is made in the numbers of the articles exhibited, and those alluded to in the sentence, it is not easy to point out precisely the articles refered to in the sentence, as they are not explaned; which runs thus: "At a General Court Martial held upon an appeal from the determination of a Regimental Court Martial, held at *Chappel-Izod*, by the officers of the Royal Regiment of *Irish* Artillery, and upon certain articles of complaint, signed by DAVID BLAKENEY, taking the matter before into consideration, did find, that with respect to the seventh article of the charge, the stoppage made from the Complainant, on the said article, was a grievance, as being unnecessary, the cloathing of the Royal Regiment of Artillery, being ascertained by his Majesty, and thought to be sufficient. But, as the Complainant received a buff waist-coat in *June* last, without, at that time of receiving it, making any objection, and has worn it and had it in his possession constantly since, the court were of opinion, that full value for the stoppage made from his pay to answer for the waist-coat, was given, and therefore awarded him no other redress. That with respect of the eighth article, the court were of opinion, that it was no grievance, as the lieutenant colonel was fully justifiable in having ordered a small plain hat to wear on fatiguing duty, in order to save the regimental laced hat, and the court were still more confirmed in that opinion, by the King's order fixing the cloathing of this regiment with respect to hats. That with respect of the tenth article, the court were of opinion, that the Complainant might and ought to pay obedience to a regimental order, produced by the lieutenant colonel, to have brought his old coat to be inspected, and if found bad, to have been converted into a frock, and therefore were of opinion, that the tenth article was no grievance. That with respect to the first, second, third, fourth, sixth, ninth, eleventh and twelveth articles, the court were of opinion, that the appeal on the said articles was vexatious and groundless and malicious, in breach of the twelveth section of the articles of

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war. It also having appeared, that the said DAVID BLAKENEY was a seditious and litigious man, the court therefore adjudged, that he should receive five hundred lashes at the head of the garrison of *Dublin*, &c." Here, it is observable, that the thirteenth article, respecting false musters, *&c.* appears to be suppressed, as shall be shewn hereafter.

Now, let us take a cursory view of the propriety, justice and judgement of this sentence: It begins, for regularity, with the seventh article, which corresponds with the nineth in the complaint, the supernumerary, unnecessary buff-waistcoat, which is confessed to be a grievance; but attempted to be construed away, by value given. So that by this, we are to understand, that a commanding officer may oblige the soldiers, to wear whatever cloathing he thinks fit, and stop payment out of their subsistence, contrary to his majesty's express order, and the act of parlement; upon a presumption that value is given. Admirable judgment!

The eighth article corresponds in the complaint and sentence. By this, we are to understand, that it is no grievance to oblige the men to buy a fourth hat, while they have confessedly three other hats fit for use. What order of his majesty can be produced to justify this?

The tenth article likewise corresponds in both complaint and sentence. And here we learn, that though charging and stopping eight shillings for a waist-coat was a grievance; charging and stopping twenty shillings and nine pence for a frock, when he had a suit of cloaths on his back, and new cloaths in the stores, was no grievance. The former was declared a grievance, because it was unnecessary, and this is pronounced no grievance, though it plaincly appears equally unnecessary.

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As if tired with marching through the difficult defile of these three articles, the gentlemen make short work with the 1st, 2d, 3d, 4th, 6th, 9th, 11th, and 12th articles, without entering into the merits of one of them, or so much as explaning what they allude to in the sentence, they are disposed of by wholesale, or in the lump; they are declared *vexatious* and *groundless*. But, it is not judged enough to punish him, as if he had not proved one article of his charge, agreeable to the 12th section of the articles of war, of which he is said to have committed a breach; but the person complaining against his officer, is considered in a different light from a complainant under that section, and arraigned without any evidence, for crimes, which came not before this tribunal: This complaint is said to be *malicious*, and he is arraigned as a *seditious* and *litigious* man, and *therefore* adjudged to receive five hundred lashes, &c.

It now appears, that several material articles of BLAKENEY's complaint have been suppressed, and not suffered to be brought under consideration, or even to be fully explained, in the general Court Martial. And all the articles, that remaned unanswered or unanswerable, are declared in gross to be *vexatious*, and *groundless*, and *malicious*, and in breach of the 12th section of the articles of war.

It must, indeed, be confessed, they were *vexatious*, and put gentlemen out of temper. But the whole number of articles in his complaint, must have been *vexatious* and *groundless*, to make them liable to any censure. Several of them, besides those that were suppressed, are proved *well grounded*; and incontestable proof of all the rest, has been, and now is, ready to be offered. Therefore, they are neither *groundless* nor *malicious*; much less are they a *breach* of the 12th section of the articles of war. Such a breach can onely be made by officers, and those of the higher rank: This section provides a remedy for any inferior

ferior officer or soldier, who thinks himself wronged by his colonel or captain. It points out where the injured is to complain; gives him a titule to a trial by a Regimental Court Martial, with power to either party to appeal to a General Court Martial. And provides, that if upon the second hearing, the appeal shall appear to be *vexatious* and *groundless*, the appellant shall be punished at the discretion of the said General Court Martial.

This is the substance of the 12th section of those articles, of which BLAKENEY is charged with committing a breach. The colonel, commanding officer or court may possibly commit a breach of this law; but I am not military enough to conceive how a soldier or matross, can commit a breach of this article, by complaining and appealing fairly and regularly; and least of all, can I see how BLAKENEY, for fulfilling the letter of the law, in complaining to his superior officer, upon failure of redress there, in demanding a trial by a Regimental Court Martial, and then in bringing an appeal to a General Court Martial, can, with any degree of truth or propriety, be said to have committed *such a breach*. Let the court acquit themselves of a violation of this law, if they can. I should be glad, for the honor of Courts Martial, to see them acquitted.

Let us now inquire a little into that remarkable part of the sentence, wherein the complaint is said to be *malicious*.——A matross, in due course and form of military law, complains of certain grievances to his superior officer. Upon obtaining no redress of demonstrable, indeed, self-evident grievances, he dutifully and legally demands a trial by a Regimental Court Martial. Upon this court's being so far from giving redress, that they aggravate and accumulate the complained of grievances, by an intollerable and unprecedented imprisonment; an appeal to a General Court Martial is made, agreeable to the spirit, as well as to the letter of the law. And while parts of this

this complaint appear proved by *ex poſt facto* payments, and conſequent obliterations, and ſome are actually confeſſed a *grievance*, the reſt, though equally probable, and, as far as permitted, proved or admitted, are declared and adjudged *malicious*.—Why *malicious?*—Can complaining lawfully and truly of grievances and oppreſſions, for redreſs onely, be deemed, in any ſenſe or degree, *malicious?* If ſo, pray by what conſtruction of the common or military law?—By none within my knowledge or conception: For, by every principle of juſtice, by every ſyſtem of law, to me known, the aggrieved, or thoſe who but apprehend themſelves aggrieved or wronged, have a right to complain, and, by all peaceable and juſt means, to ſeek or ſue for redreſs.—What more has BLAKENEY done? And why ſhould his legal ſuit to obtain right, or the redreſs of grievances and wrongs, if they were but ideal, inſtead of real, be reckoned *malicious?*—This, I own, ſurpaſſes my conception.

But, this is not the onely hardſhip, impoſed by this ſingular ſentence: For, while, under the 12th ſection of the articles of war, the appellant is onely liable to the cenſure of the General Court Martial, upon his complaints appearing *vexatious* and *groundleſs*; here, the complaint gets a new aggravating epithet, that of *malicious*; the complainant is charged with a breach of the article of war, which, we have already ſhewn, he neither did nor could commit; and new crimes are charged upon him, of which this court had no cogniſance; for, it is ſaid in the ſentence, that he appeared a *ſeditious* and *litigious* man, and *therefore* is cenſured.

Now, with all due deference to this ſoveregne court, I beg leave to contend, that the onely point before them was whether BLAKENEY's commanding officer, not BLAKENEY, was guilty or not, and whether BLAKENEY's complaints in appeal, were well or ill founded. If any article of the charge was proved, they were bound, in

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law and juſtice, to find the commanding officer guilty. They tacitly or indirectly acknowledge ſeveral, and expreſsly confeſs ſome of the charges well founded and grievous. Of theſe, ſurely, the officer was guilty, and they could not therefore be adjudged *vexatious* and *groundleſs* in the complainant. If any crime appeared in the appellant, it could not be cogniſable in a court, appointed onely to try the truth of his appeal. For ſuch a crime, another court ſhould have been appointed, where the officers compoſing this court, might appear as witneſſes, not as judges.

But, regardleſs of theſe, which are the principles of every law, the appellant was made the reſpondent. He who was, in law and fact, the proſecutor, became the proſecuted. Inſtead of being admitted to go into the proofs of his charges, charges were made againſt him, and while he was proſecuted for imputed guilt, he was not permitted to take his defence. BLAKENEY, the appellant was ſoon converted into BLAKENEY the *culprit*. His very name, as well as his character and ſtation were changed. He was ſpoken of by ſome of his judges, with great confidence, not onely as a *ſeditious* and *litigious* man, but as a *deſerter* from the *Britiſh* regiment of artillery. He was frequently, and confidently, and publicly called, *Cunningham*, and a *Deſerter*; and as ſuch, he was treated: For, when he was thus accuſed, it became neceſſary for the *late appellant*, BLAKENEY, now made and conſidered as a *Culprit*, and called, *Cunningham*, to take his defence. No evidence, it is true, were called to theſe new accuſations; nor, indeed, was any evidence neceſſary; for, the charges were readily taken for granted. In vane therefore, did this innocent *late appellant*, by military force, I cannot ſay by what law, transformed into a *criminal*, and miſnamed; in vane did he plead his innocence, and offer to call perſons to his character, as a ſoldier and as a man, and to prove where he was boorn and bred, and that he never was out of this kingddom: Such an appeal was reckoned not leſs audaciousor criminal than the firſt, and

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therefore, aggrieved, innocent *Irish* BLAKENEY the *appellant*, thus transformed into *Cunningham*, a *malicious*, *seditious*, *litigious English deserter*, was denied the ordinary means of justification, allowed to criminals of the deepest dye; and, in the court, in which he sued for redress of grievances, sentenced to receive five hundred lashes! It is not necessary to comment on this proceding; let it but be examined by the principles or modes of trial of the common, or even of the military law, and I shall submit it to the cool judgment of any disinterested and unprejudiced gentleman of the army.

But, we must not overlook the thirteenth article of BLAKENEY's charge, though suppressed, as it must probably be upon this, the censure of *malicious* is founded.

This charge relates to false musters and to soldiers being suffered to neglect their duty, and to become servants and wear liveries. Let us first see how the law stands against these abuses.

By the mutiny act, before recited, sect. XIII, "Any person making or giving, or procuring to be made or given, any false or untrue certificates, whereby to excuse any soldier for his absence from any muster or any other service, upon pretence of being employed on any other duty, or of sickness, &c. shall, for such offence, forfeit fivety pounds, and be forthwith cashiered and disabled from further service, &c." And—"All commissaries are ordered to set down on the roll the time of making the muster, the reason of absence, and by whom certified." And, by sect. XIV, "Every officer, who shall make any false or untrue muster of man or horse, and every commissary, muster-master, or other officer, who shall wittingly or willingly sign such false muster-roll, or who shall take any money for mustering or signing such muster-roll, shall be cashiered and disqualified from holding any office civil or military." And, by sect. XVI, to prevent such abuses, "Every commissary or muster-

muſter-maſter is obliged to give notice to the chief magiſtrate of the place, of every intended muſter, in order that ſuch magiſtrate may be preſent at ſuch muſter, to prevent ſuch frauds, and certify the truth, by ſigning the rolls, under the penalty of fivety pounds, &c.

By ſect. XIX, " perſons falſely muſtered or offering themſelves to be muſtered, to be committed to the houſe of correction by magiſtrates of cities or juſtices of the peace of counties." And,

By ſect. XIX, " The commiſſary or muſter-maſter is to ſwear to the truth of his muſters, before the attending magiſtrate or juſtice of the peace, and to enter and ſubſcribe ſuch oath upon the back of the roll:" And by the Articles of War, Sect. IV. Art. VII. " Any officer, who ſhall preſume to muſter any perſon as a ſoldier, who is accuſtomed, at other times to wear a livery, or does not actually do his duty, as a ſoldier, ſhall be deemed guilty of having made a falſe muſter, and ſhall ſuffer accordingly."

How far this juſt and uſeful part of this law is complied with, let officers of the army and magiſtrates declare. How far the articles of war were attended to, in this caſe, will immediately appear.

The thirteenth article of BLAKENEY's complaint points out ſeveral abuſes of muſters in violation of this law and this article. Incapable boys, livery ſervants and footmen muſtered, to the number of twenty-five, in that ſmall but expenſive corps, which, beſides the general injury to the public and to the ſervice, is a particular grievance to the men, who are forced to do the duty of thoſe muſtered footmen and boys.

I am well informed, that though the Lieutenant Colonel confeſſed this charge, that the court diſallowed it.

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And so it appears by their sentence, in which no mention is made of it. The charge must assuredly be true or false. If true, it is easy to point out, where the penalty should fall. If false, it should have been so proved, and then and not till then, the appellant censured for a *vexatious and groundless* complaint. Who has a proper regard to the honor of the Court Martial, that does not wish this had been done?

But, upon a revise of the minutes of a gentleman of credit, who attended the trial, this thirteenth article in BLAKENEY's charge is found comprised under the twelfth article of the sentence. And here, it may be proper to point out the answers given in court to each individual charge, by which the judgment and justice of the sentence will appear in the true light.

I. To the first, the Lieutenant Colonel admitted the deduction was true; but said it was made by order of government. No such order however was produced. But the Colonel's testimony was taken. And sure it will be confessed new, in courts of justice, to admit persons accused, to acquit themselves upon their own oaths: and yet this was permitted throughout this trial.

II. The second charge was admitted. But in answer, it was said, that no recruit was intituled to new cloaths. To this, the court however objected. And since, it has come out, that, between the Adjutant, Quarter-Master and Serjeant-Major, several suits of cloaths were lossed, in the place of which, they furnished the recruits with such old, cast cloaths, as might be bought.

III. The third charge was also admitted. But the stoppage was alleged to be done by order of the board of ordnance, who ordered half the half-mounting money to be kept from every Recruit, and that he should not get even that half, until he should be a year in the service.

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IV. The fourth charge was admitted. But alleged, that the utenſil money was drawn from the board onely once in two years. Though it was proved by evidence, and afterwards admitted, that the regiment was paid this money in 1766, and again, when the complainant was impriſoned by the Regimental Court Martial.

V. The fiveth charge was admitted. But alleged to have been done by order of the Marquis of *Kildare*, the late Colonel.

VI. The ſixth charge was admitted. But alleged to have been done by order of the marquis of *Kildare*, the late colonel.

VII. The ſeventh charge was admitted. But alleged to be at the deſire of the men; of which no proof was offered, and the contrary, it is ſaid, can be proved. However, it was given up by the complainant.

VIII. The eighth charge was admitted. But alleged to be done to ſave the laced hats of the men, in practice; while it was proved, that they had, each in his cuſtody and uſe, one laced and one plane hat, and were intituled to a new hat, kept from them in the ſtores.

IX. The nineth charge was admitted, and confeſſed to have been done by the lieutenant colonel's orders, for the better appearance of the men.—Yet quite regardleſs of his majeſty's cloathing order, as is declared in the ſentence.

X. The tenth charge was admitted. But alleged to have been done by the choice of the majority of the private men of the regiment; though the reverſe was proved by the evidence, produced at the trial.

you ſcoundrel, you ſhall now pay for all your impudence and villainy."—" Come you dog," ſays a third, " ſtrip, ſtrip, G— d——n you, ſtrip," and ſo lays hold on his cloaths, to drag them off.

How oft have we ſeen a poor, quiet, tame, innoffenſive Bull, drove eaſily to market, rudely attacked and hallooed and goaded into madneſs?—Oppreſſion makes a wiſe man mad.—No wonder then, this poor unhappy wretch was drove into that fit of diſtraction, which precipitated him into the raſh and violent act of ſuicide, which in his cool moments, he has lamented, and condemned his raſhneſs, in terms of the deepeſt penitence and moſt ſincere ſhame and remorſe.

I am well informed, he had no knife about him, but borrowed one from one of the ſoldiers, to cut ſome ſtring that held his ſhabby garments together. In this inſtant, galled and fretted with unmerited abuſe and ſeverity, the frantic fit ſeized him, and he plunged the knife ſeveral times into his belly, and threw it to the moſt cruel and inſolent of his tormentors.

That *merciful* gentleman dragged up the poor wretch's ſhirt, heaped imprecations and abuſes upon him; called him villain and ſcoundrel, and ſaid, if he was not a coward, he would take up the knife and finiſh himſelf. Swore he ſhould not eſcape in this manner, and ordered him to be tucked up and whipped.

But here, the mercy of his colonel was called forth. He prevented the whipping, till the chirurgeon ſhould ſee and examine the wounds, and report the execution not dangerous. Upon which, loaded with more imprecations and abuſe, for diſappointing ſome gentlemen of the expected entertainment, he was ſent to the infirmary.

Thoſe

Theſe procedings require no commentary to expoſe them in the proper light. But the manner of the trial itſelf deſerves and requires to be explaned.

By every principle of our laws, delinquents are to be tried by impartial and indifferent judges, upon the verdict of their equals, of the neighbourhood, ſworn to do juſtice with truth and indifference. It has been found neceſſary to put military men upon a different footing, by ſubjecting the ſoldiers to be tried by their officers. But, it cannot be doubted, that thoſe invariable principles, demand the cloſeſt attention poſſible, from military, as well as other courts: For, ſince ſoldiers may not, by the martial laws, have the benefit of trials by juries, the officers appointed to judge their cauſes, ought to be as far removed, as poſſible, from all grounds of ſuſpicion, of prejudice or partiality: Ought to be quite indifferent.

Our laws wiſely provide, that no man of law ſhall go judge of aſſize in his own county. From this principle, officers ſhould not be left the ſole judges of the men in their own regiment. But, as it became neceſſary to give Regimental Courts Martial this juriſdiction, the legiſlature wiſely provided an appeal to the officers of another corps, which muſt be ſuppoſed more impartial and more indifferent, than thoſe immediately concerned, as affections and prejudices may be naturally and inſenſibly conceived by the beſt of men.

Yet, little or no attention was paid to theſe principles, in the preſent caſe: BLAKENEY, according to law, complained to his officers, and obtaining no redreſs of his grievances; he deſired to have them ſubmitted to a Regimental Court Martial. A Regimental Court Martial after ſome time was held. But this court was not ſworn, conſequently ſhould have no legal juriſdiction, further than as a court of inquiry. And if the juriſdiction of this court was thus rendered defective, that of the ſubſequent court,

could not in my apprehenſion have been legal. The Regimental Court Martial however, inſtead of redreſſing grievances, aggravated them by an unexpected, and it muſt be ſuppoſed, undeſerved, if not illegal impriſonment.

From this determination, ſo contrary to what he had a right to expect, he naturally and juſtly appealed to a General Court Martial. A General Court Martial was accordingly appointed. And this ſhould undoubtedly have been compoſed of officers, who had no ſort of concern or connection with thoſe, who paſſed the former ſentence. It cannot be imagined, with any degree of juſtice or propriety, that any of the corps of officers, who lately tried and condemned him, in the Regimental Court Martial, ſhould have been appointed to try his complaints again, upon an appeal from their own juriſdiction, to that of a General Court Martial, a court, in which the *majority of voices* is to determine.

Yet, ſuch was the unfortunate BLAKENEY's caſe! Neither leſs than four of the officers of his own regiment, in which a Court Martial had already condemned and impriſoned him, were appointed of the court, to which he now appealed. And one of theſe, it was, who afterwards charged BLAKENEY with being an *Engliſh deſerter*, and called him *Cunningham*; and it will appear, that this officer was no better qualified to give evidence, than judgment, in this Cauſe.

The appointing officers of his own regiment, upon this trial was juſtly objected to, by the complainant, but to no effect; and notwithſtanding the admiſſion of the charges, with particular conſtructions, as before related, the proſecutor was forced to take the place of the proſecuted; and, inſtead of receiving redreſs, or calling the perſon complained of to account, even for the *confeſſed grievance*, the unfortunate complainant was ſentenced to receive the

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ſevereſt and moſt ignominious puniſhment, a man can ſurvive, five hundred aſhes of a cat of ninetails!

There was alſo a circumſtance attended the General Court Martial, which would have had a different effect in a court of law, from what appeared in that court: The preſident, a man diſtinguiſhed no leſs for his humanity, benevolence and charity, and for his love and tenderneſs for the ſoldiers, than for his valor and attention to diſcipline, and a ſtrict regard to juſtice and honor, unfortunately died ſuddenly, juſt as the evidence on all ſides was cloſed.

Such an accident as this, would, I apprehend, ſtop all procedings in a court of law. But, it had no ſuch effect on this military court: For, as I am informed, a new preſident was appointed, who was not before a member of the court, and with this new and uninſtructed preſident, the court proceded to the judgment and ſentence, which has been before related, without any further examination of the matter.

Who can know theſe things, and, conſiſtent with the love and duty he owes his king and country, decline to demand juſtice and reformation? Is it not enough, that ſoldiers ſhould be made ſubject to martial laws, which in ſome meaſure, neceſſarily deprives them of the benefits of the common law? Are they therefore to be conſidered as ſlaves, cut off from the ordinary protection of the laws? Are they to be deprived of the benefits of the very laws, provided for their diſcipline and ſecurity? If they live up to the tenor of theſe laws, are they not meritorious, and do they not deſerve protection and favor from the ſtate? Are their liberties, properties and lives, not be ſecured and protected, as well as thoſe of other ſubjects? Is it not enough, that above half the pay of every private man, allowed for cloathing, beſides the whole pay and ſubſiſtence, and cloathing of ſeveral nominal, or fictitious

 men,

men, as well as those of an hautboy for every troop of dragoons, are sunk in the pockets of the respective colonels; but that the men shall be mulct and put under stoppages for such supernumerary or additional cloathing, as the colonel shall think fit? And are the men to be buffeted, beaten, insulted, abused, imprisoned and whipped, for complaining and suing for redress, by due course of law? Have not the chief of BLAKENEY's complaints been confessed? Does not the court confess one article of the charge to be a grievance? Have not some of the most material been proved before a committee of the house of commons? Have not government been properly affected by those complaints? And are there not accordingly orders issued to put a general stop to the late unjust deductions and stoppages of the pay and subsistence of the private men in the army? And yet, is the man, who brought these complaints to light, to be punished with stripes and with bonds? Is he a criminal? Is he not rather to be considered as a martyr for the rights of the army?

I now beg leave to explane my conduct, and the motives of my conduct, upon this occasion.—Shocked with the story of the distresses of the man, though an intire stranger to me, I could not be at peace, till I saw him and learned the circumstances of his affecting case. And yet, before I presumed to take a step for his relief, I collected evidence to convince me of the truth of the information, I had received.

Considering it a delicate point, to call the judgement of any court in question; I thought it best to lay this poor man's case before government, in the affecting terms it appeared to me to demand, as far as time and circumstances would permit, that by proving the poor man to be an object of mercy, his sentence might be respited, till time should convince gentlemen of their error, and prevent the like for the future.

And

And had I not then thought ſuch an application, at once, juſtice to the poor condemned man, a favor to the Court Martial, and the higheſt reſpect, I could pay to government, whoſe brighteſt attribute is mercy; I ſhould have taken, by the ſhorteſt method poſſible, the courſe I now find myſelf diſagreeably forced to take. My ſolicitude to obtain mercy to this poor man, from theſe ſeveral motives, urged me to get myſelf carried, in a painful and decrepit ſtate, to make this application.

I am not accuſtomed to aſk favors of the great. My pride has ever kept me in the number of thoſe few, who, for themſelves, have nothing to aſk and nothing to fear. And I would not give up this happy ſtate of independence, for the firſt place or fortune in the kingdom.

Yet, I flatter myſelf, my conduct towards government has ever been, as I hope, it ever ſhall be, clear of reproach. And I can go further and challenge the beſt paid miniſters of the crown, to point out a ſingle inſtance, ſince I have been honored with a ſeat in parlement, where they have wanted my feeble aid, when they were in the right, in or out of parlement.

Such a diſintereſted friend and ſervant of government might be reckoned intituled to aſk for ſome few favors. But, I never ſtooped to aſk any, that I did not judge it the intereſt and honor of the crown to grant. I ſay *ſtoop*, though this word has been objected to: As legiſlators, all parts of the legiſlature may be reckoned upon a par. And when one part aſks a favor of another, that part, in my eſtimation, *ſtoops*.

However, though my ſolicitation was not attended with that ſucceſs, which applications of the like kind for criminals have often met; I cannot be aſhamed of having made it, as the purpoſes were juſt and merciful, to more than the mere object, for whom it was more immediately made.

There

There is no gem that adorns the imperial diadem of our ſoveregne, equal in brightneſs and luſtre to that god-like attribute, Mercy. Our Law is the Law of Mercy, as appears by one of it's invariable axioms, *it is better ninety-nine criminals ſhould eſcape juſtice, than one innocent man ſuffer wrongfully.* Therefore, the ſhewing an act of mercy to this unfortunate man, if not an actual pardon, a reſpite of his ſevere ſentence, till matters might be a little further explaned, muſt have produced ſome good, and could be attended with no bad effects. It might and probably would have made all further inquiry into theſe remarkable tranſactions, as well as this explanation, unneceſſary.

But unfortunately, I was not found of weight enough in the balance, to procure any act of mercy, any pardon, any mitigation, any reſpite of the ſentence paſſed upon this ill-fated man. And my applying for it, ſerved onely to precipitate the execution of the unfortunate victim, doubly unfortunate in finding no better an advocate: For, my application produced no better an effect, than a conſultation of chirurgeons to determine whether the victim was or was not able to bear the deſtined puniſhment.

This determined me, though in an haſty and imperfect manner, to lay this poor man's caſe before the Houſe of Commons, and to move for an addreſs to his Excellency the Lord Lieutenant, to requeſt he would give orders to ſuſpend the execution of the ſentence of the General Court Martial on DAVID BLAKENEY, the Matroſs, until the inquiry into the ſtate of the military eſtabliſhment, then under conſideration in the houſe, ſhould be cloſed; being well aſſured, that the truth of BLAKENEY's complaints, muſt have come out in the courſe of that inquiry, as ſome of them afterwards did, in the few queſtions, that there happened to be time and opportunity to aſk the adjutant of the Regiment of Artillery.

But in this application, it ſeems I was wrong, in manner or form, as the queſtion was determined in the negative, by the majority.

This

This however did not discourage me from making another attempt to bring this matter to a further test. I therefore moved, that the proper officer should be ordered to lay before the house, the minutes, procedings and sentences of the several Courts Martial, held upon DAVID BLAKENEY, at *Chappel-Izod*, and in the Castle of *Dublin*: And here again, I had the misfortune of finding myself in the wrong, in manner or form, by the determination of the majority. But this may be accounted for from a positive assertion, made by a gentleman of experience in military matters, that the sentenced soldier had a right to appeal to the King's Bench; though it has since appeared that he cannot, except in an action, *when the injury is done.*

Nothing now prevented the execution of the sentence upon BLAKENEY, but the report of the chirurgeons, which was, that his state of health made the execution dangerous to his life.

In the mean time, this unfortunate, brave soldier wrote me several letters, thanking me for my endeavors to obtain mercy for him, though they proved fruitless; begging I would be under no concern for him, nor put myself under any obligation to any great man for his pardon; saying he was assured of God's pardon, on his penitence for the rash and shameful act he committed in his passion; that he would be soon recovered of his wounds, and that he would be able to bear the destined punishment, like a soldier and a man.

I am well informed, that, during this time, many applications and offers were made to him by different persons, some of distinguished stations in life, who all pretended friendship for him, blamed him for taking my advice, as they unjustly termed my interposing for mercy, pressed him to be guided by them, and they would insure him, what I had not interest to obtain, his pardon.

He candidly acquitted me of being an adviser, thanked them for their friendly interposition, and asked, what they would have him do.

But

But, when, to his aſtoniſhment, he found, they offered no better terms, than his confeſſing himſelf in the wrong, and begging pardon of the officer or officers, againſt whom he complained; he treated thoſe agents as maſqued enemies, with the utmoſt contempt and indignation; ſaid he would not, by any degree of falſhood, forfeit the favor of that honorable and humane gentleman, for their procuring him a full pardon; ſwore, he would not put his hand to a falſhood, to procure a thouſand guineas in the place of every laſh he was to receive, and that he would ſuffer his fleſh to be whipped off, or torn from his bones, before he would certify a lie.

Are theſe the ſentiments of a daſtard ſlave? of a pitiful deſerter? or of a ſelf-convicted coward?—Or, is not this the language of innocence and virtue, of a brave, free, reſolute and heroic ſoldier? Compare this with his deportment and conduct at his cruel execution and ſince, and thence determine the character of the ill-fated man!

Now, view him, after ſome violent wounds, and a tedious indiſpoſition, and the neceſſary long confinement in an hoſpital, marched to the dreadful place of execution, where cruel ſcoffs, inhuman inſolence and mean abuſe had before drove him into madneſs, and to an act of ſuicide. What was his behavior under theſe trying circumſtances?

His enemies are forced to confeſs, that he marched with matchleſs intrepidity and determined coolneſs and reſolution. He ſtripped off his cloaths, as readily, as cheerfully as if he were but going to bed, and calmly and coolly and firmly yielded up his hands to be tied as high as was judged neceſſary for his more effectual torment.

The deputy executioners, after ſhewing how perfect their inſtruments of torture, how well prepared their mounted hanks of knotted whip-cord were, got their orders, each as ſlowly and deliberately and effectually as poſſible, to inflict the allotted number of laſhes.

How did he bear this rigorous puniſhment? With fortitude that amazed his principal and deputy executioners. Not a moan, or even a ſigh, was heared. Not a muſcle

of his body winced. Not a line of his face was moved, except into ſmiles of contempt on his principal executioners, who protracted his pain as long as poſſible, and now and then threw out a worthy ejaculation, " D—n the villain, nothing will conquer him."

After making the execution thus as diſtreſsful, by delay, and as painful as poſſible, the brave tortured ſoldier, after being with difficulty reſcued, by the humanity and judgement of the chirurgeon of the Artillery, from the barbarous, inhuman, exploded practice of pickling the mangled fleſh with ſalt brine, as ſome of the Barrack chirurgeons adviſed; was forced to put on his cloaths, without getting any dreſſing for his lacerated carcaſs. He ſeemed as compoſed, as if he felt no pain. He deſired to be taken to the infirmary. He was denied it. He then demanded it, as his right; ſaid every ſoldier paid for ſupporting it, whether in ſickneſs or in health; he therefore inſiſted upon it, as his right, and upon refuſing to go to *Chappel-Izod*, and demanding his right to the infirmary, a right which cannot in juſtice, and much leſs in humanity, be denied, he was ſeized as a priſoner, and compelled to walk from the place of execution in *Dublin*, to the barrack at *Chappel-Izod*, with his ſkin and fleſh cut, torn and mangled, and his body weltering in gore. Yet all this in no ſort could diſmay or damp the courage of this valiant, but unfortunate ſoldier.

Was this the deportment of a baſe ſlave? of a daſtardly deſerter, or conſcience condemned coward? Was it not the inflexible fortitude and boundleſs valor, which bold truth, conſcious innocence and innate virtue alone can inſpire and ſupport?

Yet all this was ſo far from moving the generous regard or compaſſion of thoſe who ſuperintended this execution, that they ſtill inſolently taunted him, with bidding him now ſend for his friend Doctor *Lucas*.

Doctor *Lucas* is neither afraid or aſhamed of being a friend to the innocent and the diſtreſſed. He is not, cannot be, as is expected, offended at being ſo deemed, and much

much less at being called by his name; while he, in compassion to those who shewed more savage barbarity, than attention to law, justice, judgement, humanity or mercy, in their treatment of this oppressed soldier, mentions not one of their names, wishing rather to devote them to perpetual oblivion, than to living infamy.

Let me now appeal to those, who are touched with any sense of the freedom and rights of the subject, whether civil or military, whose bosoms are actuated with sentiments of justice and humanity, whose bowels are moved to compassion and just resentment, by the sufferings of their fellow subject, or who wish to support the reputations of good citizens or men of honor, and request they will judge in what instances, in all these procedings, my conduct is to be impeached.

I could not be at peace, when I was moved to look into and learn this man's severe sufferings, without seeking for mercy and redress of his wrongs.

I could have had no attachment to the individual, I could have had no prejudice in his favor; for, I knew him not. And my solicitude was to obtain mercy and redress of wrongs, for an innocent subject and a brave soldier, oppressed and friendless. I now call for justice and law, and for some proper security from the legislature, against such abuses of soldiers and men for the future.

I have no particular pique or prejudice to any gentleman of the army. I honor and esteem a body of gentlemen, appointed to defend their country from it's internal and external foes. I live, and hope always to live, in affection and amity with such worthy gentlemen of the army, as I know and am known to.

But when, and wherever, I have reason to judge their conduct wrong, I shall reserve to myself the rights of a free subject and a guardian of the people, and shall by all lawful, just and peaceful means, seek for the redress of wrongs and the security of the freedom and rights of my fellow subjects.

In this, I assure myself of the concurrence of the far greater number of the gentlemen of the army. And when

they

they ſee, I act upon the principles of the old *Roman* citizen, who ſpared not his *own ſon*, when he appeared in the wrong; I doubt not they will rather applaud than condemn my conduct in this whole affair.

If our ſoldiers be not protected in the rights of men, if they may not with confidence and ſafety, in a dutiful manner, complain of grievances, and regularly obtain redreſs, if they are to be puniſhed for complaining, they muſt be wretched ſlaves, indeed. And conſequently, inſtead of a ſafeguard, they may prove the moſt dangerous enemies of the ſtate. Let them therefore be kept to their duty, with juſt diſcipline; let them be properly cloathed and paid, as the nation provides; and when they tranſgreſs, let them be tried, and acquitted or puniſhed upon the principles of law, with juſtice, tempered with mercy. I aſk no more.

Had this been done, in the particular caſe before us, BLAKENEY, if he might be found guilty, had ſuffered without murmur or noiſe. Or had I had weight enough to obtain mercy for him, the world had never heared the clamour raiſed, ſince my fruitleſs application.

But in all this, let it not be thought, that I preſume to glance a reflection upon the conduct of the great and good man, who preſides over us: No man pays more reſpect and duty to his ſtation, no man more honors and reveres his authority, no man is more ſenſible of his affable, humane and benevolent character in private life, no man has a more juſt ſenſe of the particular benefits confered on this kingdom by his adminiſtration, or of the dignity, ſplendor and magnificence, with which he fills his high office, than I.

He, like the ſacred perſon, he ſo truly and worthily repreſents, muſt act upon the information he receives. It cannot be ſuppoſed, that he knew all the circumſtances of this poor man's caſe. He muſt form his judgement upon the ſentence of the Court Martial, and the character given by the officers, of the ſuppoſed delinquent. Nor is it to be wondered, however to be lamented, that the remonſtrances of a number of military gentlemen, to be preſumed diſintereſted and impartial maſters of the ſubject, ſhould outweigh

weigh the ſolicitation of one civil perſon, however diſintereſted and impartial, hardly to be preſumed, maſter of the ſubject, or a judge of military matters.

He could hardly have known more than was thus laid before him. His merciful diſpoſition was before manifeſted, by his having remitted three hundred of the five hundred laſhes, ſentenced to be inflicted. And his juſt and general regard to the army was ſufficiently proved, by his iſſuing orders, that the private men ſhould ſuffer no more ſtoppages of their ſubſiſtence or pay, but ſuch as were or ſhould be authoriſed by law and his Majeſty's expreſs commands.

But, while I am thus willing and deſirous to do juſtice to all, and to render unto *Cæſar*, the things that are *Cæſar*'s; I hope, I ſhall not be denied the like judgement and juſtice to my own character, and to my conduct in this intereſting affair.

F I N I S.